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T H E
S P E E C H E S

O F

M R . W I L K E S

I N T H E

H O U S E O F C O M M O N S .

Pulchra pro libertate.

VIRGIL.

PRINTED IN THE YEAR MDCCLXXXVI.

THE

RECEIVED

18

WALKER

IN THE

HOUSE OF COMMONS

Printed by

1801

PRINTED IN THE

P R E F A C E.

THIS *octavo* volume is a faithful transcript of the three volumes of the *Speeches of Mr. Wilkes*, which I formerly printed in *duodecimo*, with the addition of several *Speeches*, since the period of the last publication, drawn from the same sources, with equal diligence and attention. The two prior volumes, with the Notes, make the 176 first pages of this volume, and the third continues to page 296. The rest is new matter, and on a greater variety of interesting subjects.

I have not given many additional *Notes*; but they will, I hope, be found useful and explanatory.

London, Dec. 9, 1786.

THE EDITOR.

[illegible]

NOTED

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ADVERTISEMENT

PREFIXED TO THE TWO FIRST VOLUMES.

I have collected the *Speeches* of *Mr. Wilkes* in the present House of Commons from news-papers and *oral tradition* for two reasons. The first is, they contain, in my opinion, many bold truths, especially respecting *America*, which are of importance, and in this convenient form they will be found more useful. The other reason is, if that gentleman should ever swerve from the great line of public duty, and declared attachment to the people, which he has often pledged himself to pursue through life, the most general infamy may overtake him, and punish his apostacy.

The *Protests* of the Lords on the same subject with some of the *Speeches* I thought would be acceptable to the political reader.

Some *Notes* are added, chiefly by way of illustration, for which I am answerable.

London, July 9, 1777.

THE EDITOR.

ADVER-

A D V E R T I S E M E N T,

Prefixed to the Third Volume.

THE Speeches of *Mr. Wilkes* in the House of Commons are here continued to the end of the last Session of Parliament. I have collected them, like the former, from news-papers and *oral tradition*. I think no apology necessary either to the public, or to that gentleman, for the freedom which I have used in the notes with some characters of high rank and dignity. Truth ought to be preferred to every motive and consideration.

Administration appear systematically to treat the House of Commons with contempt. They suffered the Lords in the last Session to have the communication of two important papers, Lord Howe's letter to Lord George Germaine, dated Sept. 20, 1776, and likewise another letter from Lord Howe and his brother to the same Secretary, dated Nov. 30, 1776; both which were refused to the representatives of the people. They have since been given to the public. Mr. Wilkes moved for the *Proofs* of the marriages of the King's Brothers, of which the House of Peers were in possession. The motion was received very unfavourably by administration; but as the subject is highly interesting to every Englishman, they are now first printed with great care and fidelity in the *Appendix*.

London, July 14, 1778.

THE EDITOR,

House

VOTES of January 26, 1775.

A motion was made, and the question being proposed,
“ That the Chaplain to this House do preach be-
fore this House, at St. Margaret’s Westminster,
upon Monday next, the *thirtieth* day of this in-
stant *January*, &c.”

THE Lord Mayor, *Mr. Wilkes*, said, that he was for the observance of the day, not in the usual manner by fasting and prayer to deprecate the pretended wrath of heaven, but in a very different way from what some other gentlemen had proposed; that it should be celebrated as a festival, as a day of triumph, not kept as a fast; that the death of the first Charles, a determined enemy of the liberties of his country, who made war on his people, and murdered many thousands of his innocent subjects, an odious, hypocritical tyrant, who was, in the great * *Milton’s* words, *ipso Nerone neronior*, should be considered as a sacrifice to the public justice

* In another place *Milton* says, Eam animi magnitudinem vobis, ô cives, iniecit Deus, ut devictum armis vestris et dedititium regem *judicio inclyto* judicare, et condemnatum punire, primi mortalium non dubitaretis. Post hoc facinus *tam illustre* nihil humile aut angustum, nihil non magnum atque excelsum, et cogitare et facere debetis. . . amore libertatis, justitiæ, honestatis, patriæ denique caritate accensos, *tyran-
num puniisse.*

Joannis Miltoni, Angli, pro populo Anglicano defensio.

of the nation, as highly approved by heaven, and ought to be had in solemn remembrance as the most glorious deed ever done in this, or any country, without which we should at this hour have had no constitution, degenerated into the most abject slaves on the face of the earth, not governed by the known and equal laws of a *limited* monarchy, but subject to the imperious will of an arbitrary sovereign.

VOTES of Feb. 1, 1775.

A motion was made, and the question being put, "That leave be given to bring in a bill for shortening the duration of parliaments, &c."

The Lord Mayor, *Mr. Wilkes*, said, that the question now before the house had been so frequently and so ably spoken to by the honourable gentleman*, who made the motion, and that it was in general so perfectly well understood, that he should trouble the house with few words on that occasion, and that he rose chiefly to return the worthy member thanks for this truly patriotic endeavour, and his spirited perseverance in a business of such importance. He added, Frequent Parliaments, Mr. Speaker, are the ancient constitution of England, and the right of the people to them arises from the nature of all delegated power, and the necessity of a controul. If a representative in the first session of a parliament acts contrary to the duty of the trust reposed in him, is it fit that his constituents should be compelled to wait till the end of a tedious period of seven years before they can have an

* Mr. Alderman *Sawbridge*, Member for London.

opportunity

opportunity of depriving him of a power, which he so early abused? I think the case now mentioned actually exists in the very dawn of this new parliament. Several gentlemen have talked of the last parliament in the terms of reproach and indignation which that profligate assembly most justly merited. I fear, sir, the present parliament are treading in the same steps, which conducted their immediate predecessors to the utter hatred of the nation. They seem to advance with giant strides to a like detestation from this age, and from all posterity. The people without doors, especially in the *capital*, make no scruple to affirm that the majority of this house have even thus early, in one great instance, acted contrary to the plain duty, which they owe to their country, and to the sacred trust reposed in them. I allude, sir, to the contempt shewn of the *Petition* * of so respectable a body as the *Merchants* of the city of *London* trading to *North America*. This the majority have done in defiance of all decency, and of the great principles of the constitution. I am sorry to observe, that the alarm is already become general, that from this early abuse of their trust, the delegated powers, which the same men have so lately received for the security and preservation of the rights of their constituents, will be employed through a course of the next seven years for their destruction, and that of our fellow-subjects in *America*, unless the excellent

* The *second* petition of the Merchants, Traders, and others of the *City of London*, presented by Mr. Alderman Hayley, Member for *London*, to the House of Commons, Jan. 26, 1775, states, "that by the resolution to which the house hath come, respecting the reference of their said petition [the *first* Petition of Jan. 23, 1775,], "they are absolutely precluded from the benefit of *such a bearing*, in support of their said petition, *as can alone procure them that relief*, which the importance and present "deplorable state of their trade require."

motion of the honourable gentleman should arrest them in their career.

A new argument, sir, in favour of the motion in your hand seems at this time to arise from the nature of most of the *Petitions* complaining of undue elections, which have been presented to us in this first session of the parliament. The general complaint is that of bribery and corruption. Short parliaments, sir, if they did not totally eradicate this most pernicious practice, must necessarily diminish the evil in no small degree. By the frequent return of appeals to the people, the public money in the minister's hands would not be found always adequate to the crooked counsels of an insidious court, nor to a determined purpose of regularly counteracting the wishes of a nation. The floodgates of the treasury, however widely opened, would on such repeated occasions scarcely afford torrents copious and impetuous enough to carry away all sense of duty to the constitution, all regard to the laws and liberties of the country. If this house were elected for a * *short term* only, a commerce of corruption between the minister and the representative could not grow up to acquire the strength and consistency which is given by a pe-

* The House of Commons—was considered as a controul, issuing immediately from the people, and *speedily* to be resolved into the mass from whence it arose.

Thoughts on the cause of the present Discontents, 8vo edition, page 66.

If the persons to whom the trust of government is committed hold their places for *short terms*; if they are chosen by the unbiassed voices of a majority of the state, and subject to their instructions; liberty will be enjoyed in its highest degree. But if they are chosen for *long terms* by a part only of the state; and if during that term they are subject to no controul from their constituents; the very idea of liberty will be lost, and the power of choosing representatives becomes nothing but a power, lodged in a *few*, to chuse at certain periods a body of *masters* for themselves and for the rest of the community.

Dr. Price's Observations on Civil Liberty, fifth edition, p. 10.

riod

riod of seven years security, and independency on the power by which we were created*.

I beg the indulgence of the house, sir, for only one more short observation. This motion strikes me as a kind of parliamentary test, which brings every thing home to our consciences. It cannot fail of meeting in this house the support of all the true friends of the ancient constitution of England, of all who mean to act honestly, for they run no risk. They are sure of the applause, and free choice of their constituents, on every fresh appeal. The venal and interested, all who think lightly of their ties and obligations to their masters, and do not hold themselves bound to hear and redress the injuries of the nation which they represent, but are regardless of the feelings † of the people, intent only on the public plunder; all these have their terrors, and certainly not ill-grounded, on the first suggestion of an appeal to their constituents. From such
men

* In 1692 King William rejected a Bill for triennial parliaments, after it had passed both houses. But in a following year he thought proper to give his assent.

Dr. Price's additional observations, page 46.

† The virtue, spirit and essence of a House of Commons consists in its being the express image of the feelings of the nation [*not of 558 gentlemen met in St. Stephen's Chapel.*]

Thoughts on the cause of the present Discontents, p. 67.

By the King.

A Proclamation,

For dissolving the present Parliament, and declaring the calling of another.

Whereas we have thought fit, by and with the advice of our Privy Council, to dissolve this present Parliament, which now stands prorogued to Tuesday the fifteenth day of November next: We do, for that end, publish this our Royal Proclamation; and do hereby dissolve the said Parliament accordingly: And the Lords Spiritual and Temporal, and the Knights, Citizens, and Burgeesses, and the Commissioners for Shires and Burghs of the House of Commons, are discharged from their meeting and attendance on Tuesday the said fifteenth day of November next. And we being desirous and resolved, as soon as may be, *to meet our people, and to have their advice in Parliament*, do hereby make known to all our loving subjects, our Royal Will and pleasure to call a new Parliament; and do hereby further declare, That, with the advice of our Privy Council, we have this day given order to our

men only, an opposition to this motion is to be expected. The representative who is conscious of having merited well of his constituents, will always rejoice at the opportunity of applying for frequent proofs of their regard and trust; will desire, will earnestly solicit, this appeal; while the man who has acted contrary to the clear dictates of his duty, and betrayed his trust, will naturally dread every such occasion, will tremble even at the distant view of the spirited indignation, with which he would be rejected. A guilty mind, sir, frequently braves the silent reproaches of a wounded conscience, but can seldom bear up against that public contempt and infamy, which I trust will always pursue parliamentary prostitution.

VOTES of Feb. 6, 1775.

Resolved, That it is the opinion of this Committee,
 “ That an humble *Address* be presented to his Majesty,
 “ to return His Majesty our most humble thanks, for
 “ having been graciously pleased to communicate to
 “ this House, the several papers relating to the present
 “ state of the *British Colonies in America*, which, by

Chancellor of Great Britain, to issue out writs in due form for calling a new parliament; which writs are to bear teste on Saturday the first day of October next, and to be returnable on Tuesday the twenty-ninth day of November following.

Given at our Court at St. James's the thirtieth day of September, one thousand seven hundred and seventy-four, in the fourteenth year of our Reign.

God save the King.

Journals of the House of Commons, vol. XXXV. page 3.

“ His

“ His Majesty’s commands, have been laid before this
 “ House, and from which, after taking them into our
 “ most serious consideration, we find, that a part of
 “ His Majesty’s subjects in the province of *the Massa-*
 “ *chusetts Bay* have proceeded so far to resist the au-
 “ thority of the supreme legislature, that a *rebellion*
 “ at this time actually exists within the said province
 “ —that we beg leave, in the most solemn manner, to
 “ assure His Majesty, that it is our fixed resolution,
 “ at the hazard of our lives and properties, to stand
 “ by His Majesty, against all *rebellious* attempts, in
 “ the maintenance of the just rights of His Majesty
 “ and the Two Houses of Parliament.”

And a motion was made, and the question put,
 “ That the said resolution be re-committed ;”

The Lord Mayor, *Mr. Wilkes*, said,

Mr. Speaker,

The business before the House, in its full extent,
 respecting the *British Colonies in America*, is of as great
 importance as was ever debated in parliament. It com-
 prehends almost every question relative to the common
 rights of mankind, almost every question of policy and
 legislation. I do not mean to enter into so vast, so well-
 trodden a field. I will confine myself to the immediate
 business of this day. The *Address* now reported from
 the committee of the whole House appears to be un-
 founded, rash, and sanguinary. It draws the sword un-
 justly against America ; but before administration are
 suffered to plunge the nation into the horrors of a civil
 war, before they are permitted to force Englishmen
 to sheath their swords in the bowels of their fellow-

subjects, I hope this House will seriously weigh the original ground and cause of this unhappy dispute, and in time reflect whether *justice* * is on our side, and gives a sanction to the intended hostile proceedings. The assumed right of *taxation without the consent* of the subject is plainly the primary cause of the present quarrel. Have we then, sir, any right to tax the Americans? *That* is the great important question. The fundamental laws of human nature, and the principles of the English constitution, are equally repugnant to the claim. The very idea of *property* excludes the right of another's taking any thing from me without my consent, otherwise I cannot call it my own. No tenure can be so precarious as the will of another. What property have I in what another person can seize at his pleasure? If *any* part of my property is subject to the discretionary powers of others, the *whole* may be so likewise. If we can tax the Americans without their consent, they have no property, nothing they can call their own with certainty, for we might by violence take the whole as well as the part. The words *liberty* and *property*, so dear to an Englishman, so pleasing in our ears, would become a cruel mockery, an insult to an American. The laws of society are professedly calculated to secure the property

* The enquiry, whether the war with the Colonies is a *just* war, will be best determined by stating the power over them, which it is the end of the war to maintain: And this cannot be better done, than in the words of an Act of Parliament, made on purpose to define it. That Act, [*passed in 1766*] it is well known, declares, That "this kingdom has power, and of right ought to have power, to make laws and statutes to bind the colonies, and people of America, *in all cases whatsoever*."—Dreadful power indeed! I defy any one to express slavery in stronger language. It is the same with declaring, "that we have a right to do with them what we please."

Dr. Price's Observations on Civil Liberty, p. 34.

of each individual, of every subject of the state. This point is no less clearly determined by the great principles of that happy constitution under which we live. All subsidies to the crown have always been considered, and expressly declared, to be *grants* from the Commons of the realm, free gifts from the people. Their full consent is stated in the *grant* *. Much has been said of the Palatinate of Chester, and the Principality of Wales, and the period of their taxation; but, sir, there is a more remarkable case in point, which alone would determine this question. If gentlemen will search the Records in the Tower, and the Chapel of the Rolls, they will find that the town of Calais in France, when it belonged to the imperial crown of this realm, was not taxed till it sent a representative to parliament. A *Thomas Fowler* actually sat and voted in this House as a burgher of the town of Calais. From that period, and not till then, was Calais taxed. The *Writ* out of Chancery, and the *Return* in the reign of Edward VI. are still extant. I faithfully gave them to the publick from attested copies †.

It

* The preamble of the Act passed in the year 1775, ch. 42. intitled, "An Act for granting to His Majesty a certain sum of money out of the Sinking Fund, and for applying certain monies therein mentioned for the service of the year 1775; and for further appropriating the supplies granted in this session of parliament," is in the following words, "*We, your Majesty's most dutiful and loyal subjects, the Commons of Great Britain, in Parliament assembled, towards raising the necessary supplies, which we have cheerfully GRANTED to your Majesty in this session of parliament, have resolved to give and GRANT to your Majesty the sum therein after mentioned, &c. &c.*"

† Retornamentum Parlamento de Anno Regni Regis Edwardi Sexti primo.

Edwardus Sextus Dei gratia Angliæ Franciæ & Hiberniæ Rex, fidei defensor & interea ecclesiæ Anglicanæ & Hiberniæ supremum caput, dilectis & fidelibus subjectis deputato & consilio villæ suæ Caliciæ salutem. Quia de avisamento & assensu consilii sui, pro quibusdam arduis & urgentibus negotiis, nos statum & defensionem regni nostri Angliæ & ecclesiæ Anglicanæ concernentibus, quoddam parlamentum nostrum apud civitatem nostram Westmonasteriensem quarto die-Novembris proceden-

tis

It will, I foresee, sir, be objected, Is America then to enjoy the protection of Great Britain, and to con-

tis teneri ordinavimus, & ibidem cum prelatiſ magnatibus & preliberis dicti regni noſtri colloquium tenere & tractatum, vobis mandamus, firmiter injungentes, quod immediate poſt receptionem hujus brevis noſtri nominari & elegi facietis unum honorabilem & diſcretum inhabitantem intra villam noſtram predictam ad aſſendendum Burgenſem pro parlamento noſtro predicto pro villa predicta & Marchiis ejusdem, pro negociis in eodem parlamento agendis juxta formam cujuſdem actus in parlamento domini Henrici nuper regis Angliæ octavi, nuper patris noſtri percariffimi, apud Londinum predicto die Novembris anno regni ſui viceſimo primo et exinde per diverſas prorogationes uſque Weſtmonaſterium quarto die Februarii anno regni ſui viceſimo ſeptimo adjornato & tunc edito & poſteavis, eumque ad dictos diem & locum venire facietis. Ita quod idem Burgenſis plenam & ſufficientem poteſtatem pro ſe & communitate villæ & Marchiarum predictarum habeat ad faciendum & conſentiendum iis quæ tunc ibidem de eo conſilio dicti regni noſtri, favente Deo, contigerint ordinari ſubter negociis antedictis. Ita quod per defectum poteſtatis hujusmodi ſcripturæ, improvidam electionem Burgenſis predicti dicta negocia infra non remaneant quovis modo; & cum electionem & nominationem illam ſic faceretis, illas nobis in Cancellariam noſtram diſtinge & apte ſub ſigillis veſtris ad dictos diem & locum debite certificetis, indilate remittentes nobis hoc breve una cum retornamento nominis ejusdem Burgenſis dicto brevi conſuto. Teſte meipſo apud Weſtmonaſterium ſecundo die Auguſti anno regni noſtri primo.

This is a true copy of the original record remaining in the Chapel of the Rolls, having been examined.

HEN. ROOKE, Clerk of the Rolls.

Excellentiſſimo & metuendiſſimo domino noſtro Edwardo Sexto Dei gratia Angliæ Franciæ & Hiberniæ Regi fidei deſenſori & interea ſupremo capiti Anglicanæ & Hibernicæ eccleſiæ. Nos veſtri humiles Major Burgenſes & liberi homines communitatis Villæ veſtræ Califiæ benigniſſimo modo quo poterimus gratiæ veſtræ certificamus, quod virtute honorabilis brevis veſtri de ſummonicōe parlame. ti nuper nobis directi & deliberati cui iſtud retornamentum nimirum eſt annexum, per aſſenſum & conſenſum totius Comitatis villæ veſtræ Califiæ predictæ & Marchiarum ejusdem, unum hominem de melioribus & diſcretioribus villæ veſtræ Califiæ predictæ elegi fecimus, videlicet Thomam Fowler dictæ villæ veſtræ generoſum, ad aſſendendum Burgenſem ad parlamentum veſtrum predictum ad diem & locum in predicto brevi veſtro ſpecificatum, qui quidem Burgenſis plenam & ſufficientem poteſtatem pro ſe & tota comitate villæ veſtræ Califiæ predictæ & Marchiarum ejusdem habet ad faciendum & conſentiendum iſſque tunc & ibidem de communi conſilio veſtro, Deo favente, contigerint ordinari, prout breve villam predictam in ſe exigit & requirit. In quorum premiſſorum teſtimonium nos predicti viri humiles Major Burgenſes & liberi homines communitatis villæ veſtræ Califiæ predictæ & Marchiarum ejusdem Sigillum Majoratus Officii Villæ veſtræ Califiæ predictæ preſentibus fecimus apponi. Datumi viceſimo die Octobris anno regni gratiæ veſtræ primo.

This is a true Copy of the original record remaining in the Chapel of the Rolls, having been examined.

HEN. ROOKE, Clerk of the Rolls.

tribute

tribute nothing to the support of that parent state, which has so long afforded it safety and security, which has carefully and tenderly nursed it to this hour of its present strength and greatness? The Americans themselves have given the fullest answer to this objection, in a manner not to be controverted, by their conduct through a long series of years, and by the most explicit declarations. Equally in words and actions, of the most unequivocal nature, they have demonstrated their love, their ardour, their strong filial piety towards the mother country. They have always appeared ready, not only to contribute towards the expences of their own government, but likewise to the wants and necessities of this state, although perhaps they may not be over-fond of all the proud, expensive trappings of royalty. In the two last wars with France they far exceeded the cold line of prudence. With the most liberal hearts they cheerfully gave you nearly their all, and they fought gallantly and victoriously by your side, with equal valour against our and their enemy, the common enemy of the liberties of Europe and America, the ambitious, faithless French, whom now we fear and flatter. Our Journals, sir, will bear witness to the grateful sense we had of the important services of our brethren in America, by the great sums we shall find voted to be * repaid them for what they

* In the examination of Dr. Benjamin Franklin, of Philadelphia, before a Committee of the House of Commons in 1766, printed in the "Parliamentary Debates," vol. II. p. 110.

Quest. Were you not reimbursed by Parliament?

Ans. We were only reimbursed what, in your opinion, we had advanced beyond our proportion, or beyond what might reasonably be expected from us; and it was a very small part of what we spent. Pennsylvania, in particular, disbursed about £.500,000, and the reimbursements, in the whole, did not exceed £.60,000.

expended

expended in the spirited warlike expeditions, which they carried through with equal courage and conduct. The siege and capture of Louisbourg, the various successful operations against the general foe, without the least knowledge, much less participation, on our part, are the fullest proofs of the warm affection of their hearts to this country, and of their readiness to bear more than their share of the public expence and burthen. But, sir, the whole was the gift of freemen, our fellow-subjects, who feel that they are, and know they have a right to be, as free as ourselves. What is their language even now, at a moment when you are planning their destruction, when you are branding them with the odious appellation of *rebels*? In the late * *Petition* of the *Congress* to the King, they declare, *they are ready and willing, as they ever have been, when constitutionally required, to demonstrate their loyalty to his Majesty, by exerting their most strenuous efforts in granting supplies and raising forces.* This is the unanimous resolution of a *Congress*, composed of Deputies from the several colonies of New Hampshire, Massa-

* From this destructive system of Colony Administration, adopted since the conclusion of the last war, have followed those distresses, dangers, fears, and jealousies, that overwhelm your Majesty's Colonies with affliction; and we defy our most subtle and inveterate enemies to trace the unhappy differences between Great Britain and these Colonies, from an earlier period, or from other causes than we have assigned, &c. &c.

We present this *Petition* only to obtain redress of grievances and relief from fears and jealousies, occasioned by the system of statutes and regulations adopted since the close of the last war, &c. &c.

Petition of the Congress to the King, October 26, 1774.

Place us in the same situation that we were at the close of the last war, and our former harmony will be restored.

The Congress to the People of Great Britain, October 21, 1774.

They were alarmed by a new system of statutes and regulations, adopted for the administration of the Colonies, that filled their minds with the most painful fears and jealousies.

Petition of the Congress to the King, July 8, 1775.

chuset's

ehuset's Bay, Rhode Island, and Providence Plantations, Connecticut, New-York, New Jersey, Pennsylvania, the counties of Newcastle, Kent, and Suffex on Delaware, Maryland, Virginia, and the Two Carolinas.

I have heard, sir, of a plan of accommodation, which, I believe, would reconcile all differences. But alas! sir, it does not come from any servant of the crown. It comes from the * noble Lord, to whom
this

* The Earl of Chatham. In the house of Lords, on the 30th of May 1777, Earl Gower, Lord President of the Council, with that mild, winning air of modesty and meekness, which characterise the *Bedford* school, declared, that "he must affirm, no public notice whatever by any man or body of men, by any Assembly or Congress, by any printed American newspaper or pamphlet, had been taken of Lord Chatham's plan of reconciliation between Great Britain and her Colonies; that it sunk immediately into absolute oblivion, for not even a hint was thrown out on the other side the water, complaining that the proposition was rejected, or acknowledging, that if the bill had passed into a law, it would have produced a reconciliation, or that it contained even the outlines of a fit accommodation, or any thing to proceed upon, and therefore he was plainly right in giving his vote against the noble Earl's proposition, and the bill that accompanied it, two years ago." The words were taken with great exactness. The Duke of Grafton heard them, and answered many parts of Lord Gower's speech; but, whether from ignorance, or malice to Lord Chatham, I do not determine, his Grace was silent on the plan of reconciliation. To establish the *veracity* of Earl Gower, I shall produce an extract of only one public act, the Address of the General Assembly of Virginia, presented on the 14th of June 1775, to his Excellency the Right Hon. John Earl of Dunmore, Governor of Virginia, &c. &c. and printed in all the American newspapers. It is reprinted in Almon's *American Remembrancer*, vol. I. p. 113.

"There was, indeed, a plan of accommodation offered in parliament; which, though not entirely equal to the terms we had a right to ask, yet differed but in few points from what the General Congress had held out. Had parliament been disposed sincerely, as we are, to bring about a reconciliation, reasonable men had hoped, that, by meeting us on this ground, something might have been done. Lord Chatham's Bill, on the one part, and the terms of the Congress on the other, would have formed a basis for negotiation; which a spirit of accommodation on both sides, might, perhaps, have reconciled. It came recommended, too, from one whose successful experience in the art of government should have ensured to it some attention from those to whom it was tendered. He had shewn to the world, that Great Britain, with her colonies, united firmly under a just and honest government, formed a power which might bid defiance to the most potent enemies. With the change of ministers, however, a total change of
measures

this country has the most essential obligations, to whom it is so highly indebted for its *late* splendor and glory. The plan is, to assemble another *Congress* in the spring; the parliament of Great-Britain and the deputies of the several colonies to meet together, jointly empowered to regulate the various quotas to be paid by each province to the general treasury of the whole empire. I would in addition to that plan propose, that a regulation, similar to what actually takes place with respect to Scotland, be adopted as to America. The proportion of each colony might be settled according to the land-tax in England, at one, two, or more shillings in the pound. I am not deep politician enough to know what the proportion should be of each Province, which will vary greatly in half a century, but I speak of each quota being at all times to be regulated according to the land-tax of this country. The very extensive and flourishing colonies of the Massachusetts Bay, Virginia, and South Carolina, for instance, should contribute more, the smaller and poorer colonies of

"measures took place: the component parts of the empire have, from that moment, been falling asunder; and a total annihilation of its weight, in the political scale of the world, seems justly to be apprehended."

O! happy *Privy Council* of England, where *sincerity* and *truth* preside!

"When Earl Gower was appointed *President of the Council*, the King, with his usual *sincerity*, assured him, that he had not had one happy moment, since the Duke of Bedford left him."

Junius, vol. I. p. 172.

"Is there any one mode of thinking or acting with respect to *America*, which the Duke of Grafton has not successively adopted and abandoned?" Ib. p. 89.

"In *America*, we trace you [the Duke of Grafton] from the first opposition to the Stamp-Act, on principles of convenience, to Mr. Pitt's surrender of the right; then forward to Lord Rockingham's surrender of the fact; then back again to Lord Rockingham's declaration of the right; then forward to taxation with Mr. Townshend; and, in the last instance, from the gentle Conway's undetermined discretion, to blood and compulsion with the duke of Bedford." Page 83.

"Was not Lord Charbam the first, who raised the Duke of Grafton to the rank and post of a Minister, and the first whom he abandoned? Did he not join with Lord Rockingham, and betray him? P. 88.

New

New Hampshire and New Jersey less ; but, sir, I insist, not a shilling can be taken without their consent *. After this day's debate, should the *Address* now moved for be carried in this House, I greatly fear that not only this wise plan of the noble Lord, but every idea of a reconciliation between this country and her colonies, will be utterly impracticable.

The Americans, sir, have of late been treated, both within doors and without, in a manner, which marks no small degree of injustice, and even a wantonness of cruelty. We have been repeatedly told to-day, that they complain of the *Navigation Act*, and insist on the repeal of it. We have authentic evidence to the contrary. In the resolutions of the *Congress*, they desire only to be put on the footing they were at the close of the late war, “ *as to the system of statutes and regulations ;*” nor among the various acts, of which they solicit the repeal, have they once mentioned either the *Navigation* or *Declaratory Act*. It has likewise been asserted, that they are froward and angry enough to *wish* to throw off the supremacy of the † mother country. Many express resolutions, both of the General Congress, and the different Provincial Assemblies, are the fullest evidence of the sense, which the Americans entertain of their obedience and duty to Great Britain. They are too numerous to be quoted. Their

* Donques pour continuer mon propos, y a-t-il Roy ne Seigneur sur terre, qui ait pouvoir, outre son domaine, de mettre un denier sur ces sujets : sans octroy et consentement de ceux qui le doivent payer, sinon par tyrannie ou violence ?

Memoires de Philippe de Comines, folio. Paris, de l'Imprimerie Royale, 1649, page 218.

† I never saw a froward child mended by whipping, and I would not have the mother country become a stepmother. Our trade with America brings in, communibus annis, two millions a year.

— Lord Chesterfield's Letter of Dec. 25, 1765.
full

full claim, as stated by themselves, is so explicit and clear, that I beg leave to read it to the House from their *Petition to the King* *. It declares, *We ask but for peace, liberty, and safety*. Surely, sir, no request was ever more modest and reasonable, no claim better founded. It expressly mentions; *We wish not a diminution of the prerogative, nor do we solicit a grant of any new right in our favour*. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain.

What a contrast, sir, does this make with the proceedings of administration at home! They are feebly endeavouring to tear asunder those powerful ties, which have long and happily knit and bound us together.

The *Address*, sir, mentions the particular province of the Massachusetts Bay as in a state of actual rebellion. The other provinces are held out to our indignation as *aiding and abetting*. Many arguments have been employed by some learned gentlemen among us, to involve them in all the consequences of an open, declared rebellion, and to obtain the fullest orders for our officers and troops to act against them as against rebels. Whether their present state is that of rebellion †, or of a fit and just resistance to unlawful acts of power, to our attempts to rob them of their property and liberties, as they imagine, I shall not declare. This I know, a successful resistance is a *revolution*, not a *rebellion*. *Rebellion in-*

* In the first Congress, signed October 26, 1774.

† The oath of allegiance binds no private man to more than the law directs, and has no influence upon the whole body of every nation: many princes are known to their subjects only by the injuries, losses, and mischiefs brought upon them:—REBELLION --- of itself is neither good nor evil, more than any other war, but is just, or unjust, according to the cause or manner of it. Algernon Sydney, p. 416.

deed appears on the back of a flying enemy, but *Revolution* flames on the breast-plate of the victorious warrior. Who can tell, sir, whether in consequence of this day's violent and mad *Address* to His Majesty, the scabbard may not be thrown away by them as well as by us; and should success attend them, whether in a few years the *independent* Americans may not celebrate the glorious æra of the revolution of 1775, as we do that of 1688? The generous efforts of our forefathers for freedom heaven crowned with success, or their noble blood had dyed our scaffolds, like that of *Scottish* traitors and rebels; and the period of our history, which does us the most honour, would have been deemed a rebellion against the lawful authority of the prince, not a resistance authorized by all the laws of God and man; not the expulsion of a tyrant.

The policy, sir, of this measure I can no more comprehend, than I can acknowledge the justice of it. Is your force adequate to the attempt? I am satisfied it is not. What are your armies? and how are they to be kept up and recruited? Do you recollect that the single province of Massachusetts Bay has at this moment 30,000 men well trained and disciplined? Do you not know that they can bring near 90,000 men into the field? They will do it, when every thing dear to them is at stake, when they have their liberties to defend against cruel oppressors and invaders. You will not be able to conquer and keep even that single province. The noble Lord * with the blue ribband proposes only 10,000 of our troops to be there, including the four regiments now going from Ireland; and he acknowledges, with great truth, that the army cannot enforce the late

* Lord NORTH.

act of parliament. Why then is it sent? Boston indeed you may lay in ashes, or it may be made a strong gar-
 rison; but the province will be lost to you. Boston
 will be like Gibraltar. You will hold in the province
 of Massachusetts Bay, as you do in Spain, a single
 town, while the whole country remains in the power
 and possession of the enemy. Your fleets and armies
 may keep a few towns on the coast, for some time at
 least, Boston, New-York, St Augustine; but the vast
 continent of America will be irrecoverably lost. A few
 fortresses on the coast, and some sea ports only, will
 remain in your possession. All the back settlements
 will be independent of you, and will thrive in the rapid
 progression of your violences and unjust exactions on
 the towns. A new and amazing *landed interest* will be
 created. The ancient story of the Philosopher *Calanus*
 and the *Indian hide* will be verified. Where you tread,
 it will be kept down; but it will rise the more in all
 other parts. Where your fleets and armies are stationed,
 the possession will be secured, while they continue; but
 all the rest will be lost. In the great scale of empire,
 you will decline, I fear, from the decision of this day;
 and the Americans will rise to * *independence*, to power,
 to all the greatness of the most renowned states, for
 they build on the solid basis of † *general publick-li-*
berty.

I tremble, sir, at the almost certain consequences of
 such an *Address*, founded in cruelty and injustice,
 equally contrary to the sound maxims of true policy,

* The Declaration of *Independency*, by the Representatives of the United States
 of America in Congress assembled, was made on the 4th of July, 1776, about a
 year and a half after this *Address* of the House of Commons.

† In Congress at Philadelphia, April 16, 1776, Resolved, That no *slaves* be
 imported into any of the *United Colonies*

and the unerring rule of natural right. The Americans will certainly defend their property and their liberties with the spirit of freemen, with the spirit our ancestors did, and I hope we should, exert on a like occasion. They will sooner declare themselves *independent*, and risque every consequence of such a contest, than submit to the galling yoke, which administration is preparing for them. An *Address* of this sanguinary nature cannot fail of driving them to despair. They will see that you are preparing not only to draw the sword, but to burn the scabbard. In the most harsh manner you are declaring them *rebels*. Every idea of a reconciliation will vanish. They will pursue the most vigorous measures in their own defence. The whole continent of North America will be dismembered from Great Britain, and *the wide arch of the raised empire fall*. But I hope the just vengeance of the people will overtake the authors of these pernicious counsels, and the loss of the first province of the empire be speedily followed by the loss of the heads of those ministers who advised these wicked and fatal measures.

VOTES of Feb. 22, 1775.

A motion was made, and the question put, “ That the
 “ Resolution of this House, of the 17th day of Fe-
 “ bruary 1769, *that John Wilkes, Esquire, having been*
 “ *in this session of Parliament expelled this House, was,*
 “ *and is, incapable of being elected a Member to serve*
 “ *in this present Parliament,* be expunged from the

“ Journals of this House, as being subversive of the
 “ rights of the whole body of electors of this king-
 “ dom ;”

The Lord Mayor, *Mr. Wilkes*, said,

Mr. Speaker;

The motion, which I shall have the honour of submitting to the House, affects, in my opinion, the very vitals of this constitution, the great primary sources of the power of the people, whom we represent, and by whose authority only, delegated to us for a time, we are a part of the legislative body of this kingdom. The proceedings of the last parliament, in the business of the Middlesex elections, gave a just alarm to almost every elector in the nation. The fatal precedent then attempted to be established was considered as a direct attack on the inalienable rights of the people. Many of the most respectable bodies in this kingdom expressed their abhorrence of those arbitrary measures. They proceeded so far as to petition the crown for the dissolution of that Parliament, as having been guilty of a flagrant abuse of their trust. Above 60,000 of our fellow-subjects, freeholders of the realm, carried their complaints to the foot of the throne ; a number surely deserving the highest regard from every Minister, whose whole attention was not engrossed by the 6000 borough electors, who return a majority for him to this House. The people, sir, were in a ferment, which has not yet subsided. They made my cause their own ; for they saw all the powers of government exerted against the constitution, which was wounded through my sides, and the envenomed shafts of a wicked administration

nistration pointed at our laws and liberties no less than at a hated individual. The plan was carried on for some years with a spirit of malevolence and rancour, which would have disgraced the very worst, but with a perseverance which would have done honour to the best, cause. I do not mean, sir, to go through an irksome detail of the various persecutions and injuries which that person suffered, I hope with a becoming fortitude. I have forgiven them. All the great powers of the state were at one time combined to pour their accumulated vengeance on me. The two Houses of Parliament chose me as the most acceptable victim, which could be sacrificed at the shrine of their court idolatry; and even * imperial *Jove* pointed his thunder-bolts, *red with uncommon wrath*, at my devoted head. I was scorched, but not consumed. The broad shield of the law protected me. A generous public, and my noble friends, the freeholders of Middlesex, the ever steady friends of liberty and their country, poured balm into my wounds. They are healed so that scarcely a scar remains. But, sir, I feel, I deeply feel the wounds given to the constitution. They are still bleeding, and this House only can heal them, as well as restore the constitution to its former state of purity, health, and vigour. May I be permitted to point out the mode of cure, and the salutary methods, which I think you ought to apply? Before I proceed to the remedy, I shall beg the indulgence of the House to state the case with precision and accuracy. I hope they will forgive

* In Junius's letter to the King of Dec. 19, 1769, it is said, "the destruction of "one man [Mr. Wilkes] has been now, for many years, the *sole* object of your government;" [*not the happiness of millions, whom God had committed to his care, but the destruction of one man, whom he ought to have protected as his subject.*]

a dry, but candid and short, narrative of the principal facts, because I mean to argue from them. I will give them as brief as possible, and with all the impartiality of a bye-stander.

Mr. Wilkes was first elected for the county of Middlesex, on the 28th of March 1768. He was * expelled the 3d of February 1769, and the second time chosen,

* In that resolution of the House of Commons, the *first* article in the *Aggregate Fund* of Mr. Wilkes's crimes, which were the pretended causes of his *expulsion* and *incapacity*, is the being author of the *Prefatory Remarks* on Lord Weymouth's execrable epistle, relative to the *still unexpiated* massacre in St. George's Fields on the 10th of May 1768, which the present Comptroller of his Majesty's Household, Sir William Meredith, thought a very good reason for Mr. Wilkes's *election*. In his pamphlet of "The Question stated," Sir William says, "Was I a freeholder of Middlesex, so far am I from thinking, that to make the severest animadversions on *such a letter* is a ground of *incapacity*, the more a man arraigns (what I take to be) such unconstitutional positions, *the fitter he is to be entrusted with the rights of the people.*" p. 29. No prosecution whatever on the charge of that *insolent, scandalous, and seditious libel*, as the *Prefatory Remarks* were voted to be by both Houses of Parliament, of which Mr. Wilkes avowed himself the author, has been carried on against him in any court of law. I shall only transcribe the famous libel, and some passages relative to it, without any observations.

The *Prefatory Remarks* were,

Dec. 10, 1768.

I find you the following authentic state paper, the date of which, prior by more than three weeks to the fatal 10th of May, shews how long the horrid massacre in St. George's Fields had been planned and determined upon, before it was carried into execution, and how long a hellish project can be bred over by some infernal spirits without one moment's remorse.

Extract from Mr. Wilkes's Address to the County of Middlesex, dated from the King's Bench Prison, Dec. 17, 1768.

I hold myself accountable to you for every action of my life, which respects the public. I desire to stand, or fall, by your free and unbiaised judgement. I wish to be directed by your counsel and instruction in all matters of importance.---I take the earliest opportunity, gentlemen, of stating to you the following particulars. I caused to be printed and published, in the St. James's Chronicle of December the 10th, a letter of the Secretary of State [Lord Weymouth], written from St. James's on the 17th of April to Mr. Justice Ponton, with some *Prefatory Remarks*. I avow the publication of both. I will go further, and declare, that I first, several months ago, transmitted to the press the letter of the Secretary at War [Lord Barrington], dated May the 11th, returning thanks *in the King's name* to the officers and soldiers of

chosen, without opposition, the 16th day of the same month. On the day following the election was vacated, and

of the third regiment of Guards, for the rank and foul *murders* committed in these fields on the 10th of that month. My hand trembled, while I copied what I blushed to read; and I gave it to the public in the only way my present situation could admit, with the hope of promoting a parliamentary enquiry into that bloody transaction, which I trust this second publication will now accomplish, and because I think this free nation has a right to be fully informed of the conduct of administration in so important a concern as the loss of the lives of many subjects. Administration complains of me for having published the letter of the Secretary of State. I complain to the nation that such a letter has been written. This is not a letter on any personal business or pleasure. I would have scorned to have published any such. This letter was from a Secretary of State to the Chairman of the Quarter Sessions at Lambeth, and is written in characters of blood. It affects deeply the constitution of this country, and every man in our island. I will at present leave it to the honest indignation of every Englishman. I shall now only add, that if I have not given to the public a most accurate and faithful copy, I ask pardon of the Secretary of State. If I have, then I will say, that for the innocent blood of our countrymen spilt in consequence of that letter, the writer of it ought to ask forgiveness of God and his country, and pass the remainder of his life in penitence and tears.

Extract from the Journals of Feb. 3, 1769, vol. XXXII. page 175.

Evidence was given to the House, by two of their members in their places, that the letter printed in the said newspaper is an *exact copy* of the original letter addressed to, and received by, Daniel Ponton, Esquire, Chairman of the Quarter Sessions at Lambeth.

The Speech of Mr. Wilkes, when a Prisoner, at the Bar of the House of Commons, Feb. 3, 1769.

Mr. Speaker,

I acknowledge that I transmitted to the press the *Letter* of the Secretary of State, Lord Weymouth, and that I wrote and published the *Prefatory Remarks* to it; and, sir, whenever a Secretary of State shall dare to write so bloody a scroll, I will through life dare to write such *Prefatory Remarks*, as well as to make my appeal to the nation on the occasion. I ask pardon, sir, that I made use of too mild and gentle expressions, when I mentioned so wicked, so inhuman, so cowardly a massacre, as that in St. George's Fields on the 10th of May. I pledge myself to the House, that whenever a day shall be appointed to go into this important inquiry, I will bring evidence here to prove the truth of every word I have asserted. I hope the House, sir, will send for Mr. Ponton, and examine him, whether he did or did not receive that letter from the Secretary of State. If he answers in the affirmative, I am sure, from the virtue of this House, that they will immediately order an impeachment against the Secretary to be carried up to the Bar of the House of Peers.

and he was declared by a majority of the House *incapable* of being elected into that Parliament. Notwithstanding this resolution of the House, he was a third time, on the 16th of March, elected without opposition; for I suppose the ridiculous attempt of a * Mr. Dingley, who had not a single freeholder to propose, or vote for him, can hardly be called an opposition. *That* election however was declared void the next day. On the 13th of April Mr. Wilkes was a fourth time elected, by a majority of 1143 votes against Mr. Luttrell, who had only 296. The same day this House † voted,

Extract from the Journals of Feb. 2, 1769, vol. XXXII. page 176.

Resolved, That the *Introduction* to the copy of a Letter, addressed to Daniel Ponton, Esquire, Chairman of the Quarter Sessions at Lambeth, and dated St. James's, the 17th of April 1768, contained in a certain newspaper, intituled, "The St. James's Chronicle, or the British Evening Post, from Thursday Decem-ber the 8th, to Saturday, December the 10th, 1768, printed by Henry Baldwin, "at the Britannia Printing-Office, No. 108, Fleet-Street," of which *Introduction* John Wilkes, Esquire, a Member of this House, has now at the Bar of this House confessed himself to be the author and publisher, is an insolent, scandalous, and seditious libel, tending to infame and stir up the minds of his Majesty's subjects to sedition, and to a total subversion of all good order and legal government.

Extract from the Journals of Feb. 3, 1769, vol. XXXII. page 178.

A motion being made, and the question being put, that John Wilkes, Esquire, a Member of this House, who hath at the Bar of this House confessed himself to be the author and publisher of what this House has resolved to be an insolent, scandalous, and seditious libel, &c. &c. &c. *be expelled this house.*

The House divided.

Tellers for the Yeas	{ Lord Frederick Campbell,	} 219
	{ Mr. Stevens.	

Tellers for the Noes	{ Lord John Cavendish,	} 137
	{ Mr. Montague.	

So it was resolved in the affirmative.

* This unfortunate person had been persuaded by the Duke of Grafton to set up for Middlesex, his grace being determined to seat him in the House of Commons, if he had but a single vote. It happened unluckily that he could not prevail upon any one freeholder to put him in nomination. Junius, vol. I. p. 60.

† Sir Fletcher Norton, when it was proposed to punish the Sheriffs, declared in the House of Commons, that they, in returning Mr. Wilkes, had done no more than *their duty.* Junius, vol. I. p. 70.

" that

“ that Mr. Luttrell ought to have been returned.” On the 29th of April, a *Petition* was presented to the House from the freeholders of Middlesex by a worthy Baronet *, who is not only an honour to this House, but to human nature; notwithstanding which, the House on the 8th of May resolved, “ that Henry Lawes Luttrell, Esquire, is duly elected a Knight of the Shire to serve in this present Parliament for the county of Middlesex.”

These, sir, are the great outlines, the leading facts. I will not trouble the Clerk to read all the resolutions, to which I have alluded. They are fresh, I am persuaded, in the memories of gentlemen. I only call for that of Feb. 17, 1769, respecting *incapacity* as the certain consequence of *expulsion*

[The Clerk read the Resolution.]

Now, Sir, I think it fair to state to the House the whole of what I intend to move in consequence of the facts stated, and the resolution just read. The first motion I intend is, “ that the Resolution of this House of the 17th of February, 1769, *That John Wilkes, Esquire, having been, in this Session of Parliament, expelled this House, was, and is, incapable of being elected a member to serve in this present Parliament, be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom.*” This I hold of necessity to restore the constitution, which that Resolution tears up by the roots. I shall then, if I succeed, if justice and a reverence for

* Sir George Savile, Baronet, Member for Yorkshire.

the constitution prevail in this Parliament, proceed to the other Motion, “ That all the declarations, orders, “ and resolutions of this House, respecting the election “ of John Wilkes, Esquire, for the County of Middle- “ sex, as a void election, the due and legal election of “ Henry Lawes Luttrell, Esquire, into the last Parlia- “ ment, for the County of Middlesex, and the incapa- “ city of John Wilkes, Esquire, to be elected a Mem- “ ber to serve in the said Parliament, be expunged “ from the Journals of this House, as being subver- “ sive of the rights of the whole body of electors of “ this kingdom.”

The words of the Resolution of the 17th of February 1769, which I mean more particularly to combat, are, “ *was and is incapable,*” and the explanation of them the same day in the order for a new writ, “ in the room of “ John Wilkes, Esquire, who is adjudged incapable “ of being elected a Member to serve in this present “ Parliament.” In the first formation of this govern- ment, in the original settlement of our constitution, the people expressly reserved to themselves a very considerable part of the legislative power, which they consented to share jointly with a King and House of Lords. From the great population of our island this right could not be claimed and exercised personally, and therefore the *many* were compelled to delegate that power to a *few*, who thus were chosen their deputies and agents only, their representatives. It follows, from the very idea of a choice, that such choice must be free and uncontrouled, admitting of no restrictions, but the law of the land, to which the King and the Lords are equally subject, and what must arise from the nature of the trust. A Peer of Parliament, for instance, cannot

cannot be elected a Member of the House of Commons, because he already forms a part of another branch of the same legislative body. A lunatic has a natural incapacity. Other instances might be mentioned, but these two are sufficient. The freedom of election is then the common right of the people of England, their fair and just share of power; and I hold it to be the most glorious inheritance of every subject of this realm, the noblest, and, I trust, the most solid part of that beautiful fabric, the English constitution. Here I might lean, sir, on the most respectable authorities which can be cited, the supreme judicature of this kingdom, and the venerable judges of former ages as well as of our own times. *I met them accidentally this morning in the course of my reading*, as an old friend * of *Wilkes and Liberty*, now alas! lost to every sense of duty to his country, frequently tells another great assembly, that he *accidentally meets* in this manner all his tiresome quotations. The House of Peers, sir, in the

* The Duke of Grafton. Junius in a letter to his Grace of May 30, 1769, says, "you complained—that your *friend*, Mr. Wilkes, who had suffered so much for the party, had been abandoned to his fate—as for Mr. Wilkes, it is, perhaps, the greatest misfortune of his life, that you should have so many compensations to make in the closet for your former *friendship* with him. Your gracious master understands your character, and makes you a persecutor; because you have been a *friend*." Vol. I. p. 79.

Now, my Lord, let me ask you, Has it never occurred to your Grace, while you were withdrawing this desperate wretch [*Mac Quirk*] from that justice which the laws had awarded, and which the whole people of England demanded against him, that there is another man, who is *the favourite of his country*, whose pardon would have been accepted with gratitude, whose pardon would have healed all our divisions? Have you quite forgotten that this man was once your Grace's *friend*? or is it to murderers only that you will extend the mercy of the crown? Vol. I. p. 59.

"Was he [the Duke of Grafton] not the *bosom friend* of Mr. Wilkes, whom he now pursues to destruction? Vol. I. p. 89.

The Duke of Grafton took the office of Secretary of State, with an engagement to support the Marquis of Rockingham's administration. He resigned however in a little time, under pretence that he could not act without Lord Chatham, nor *bear to see Mr. Wilkes abandoned*.

Junius, vol. I. p. 5. note.
case

case of Ashby and White in 1704, determined, “ a
 “ man has a right to his freehold by the common
 “ law; and the law having annexed his right of
 “ voting to his freehold, it is of the nature of his
 “ freehold, and must depend upon it.” On the same
 occasion likewise they declared, “ it is absurd to say,
 “ the electors right of chusing is founded upon the
 “ law and custom of parliament. It is an *original right*,
 “ *part of the constitution of the kingdom, as much as a*
 “ *parliament is*, and from whence the persons elected
 “ to serve in parliament do derive their authority, and
 “ can have no other but that which is given to them
 “ by those that have the original right to chuse them.”
 The greatest law authorities, both ancient and modern,
 agree in the opinion, that every subject of the realm,
 not disqualified by law, is eligible of common right.
 Lord Coke, Lord Chief Justice Holt, and Mr. Black-
 stone *, are the only authorities which I shall cite. I re-
 gard not, sir, the slavish, *courtly* doctrines propagated
 by lawyers in either house of Parliament, as to the
 rights of the subject, no more than I do as to what

* Doctor Blackstone is Solicitor to the Queen. The Doctor recollected that he
 had a place to preserve, though he forgot that he had a reputation to lose. We have
 now the good fortune to understand the Doctor's principles as well as writings. For
 the defence of truth, of law, of reason, the Doctor's book may be safely consulted;
 but whoever wishes to cheat a neighbour of his estate, or to rob a country of its
 rights, need make no scruple of consulting the Doctor himself. Junius, vol. I. p. 93.

Mr. Grenville quoted a passage from the Doctor's excellent *Commentaries*, which
 directly contradicted the doctrine maintained by the Doctor in the House of Com-
 mons. Page 122.

In the *Commentaries*, after a long enumeration of disqualifications, it is added, “ But,
 “ subject to these restrictions and disqualifications, *every* subject of the realm is eligi-
 “ ble of common right.”

Commentaries on the Laws of England. By William Blackstone, Esq; Vinerian
 Professor of Law, and Solicitor-General to the Queen, 4to edition, printed at
 Oxford in 1768, vol. I. page 176.

they

they pronounce high treason and *rebellion*. Such doctrines are delivered here only to be *reported* elsewhere. These men *have their reward*. But the venal tongue of a prostitute advocate or judge is best answered by the wise and sober pen of the same man, when in a former cool moment, unheated by party rage or faction, after the fullest deliberation, he gave to the nation, to the present age, and to posterity, a fair and impartial detail of their undoubted rights, and when he laid down in clear and express terms the plain law of the land. Lord Coke says, "He which is eligible of common right, cannot be disabled by the said ordinance in Parliament, unless it had been by act of Parliament." Lord Chief Justice Holt declares, "the election of knights belongs to the freeholders of counties; and it is an original right, vested in and inseparable from the freehold, and can no more be severed from their freehold, than their freehold itself can be taken away." Mr. Justice Blackstone, in the first book of his *Commentaries on the laws of England*, has the following words, "subject to these restrictions and disqualifications, every subject of the realm is eligible of *common right*." This *common right* of the subject, sir, was violated by the majority of the last house of Commons; and I affirm, that they, and in particular, if I am rightly informed, the * noble Lord with the blue ribband, committed by that act

* This is a mistake. Lord Stanly, now Earl of Derby, declared at that time in the House of Commons, "That the worthy magistrate [the Lord Mayor, *Mr. Wilkes*] was mistaken in ascribing to the noble Lord with the blue ribband that declaration. It was his father, the late Lord Strange, who made use of that expression."

act *high treason against Magna Charta*. This house only, without the interference of the other parts of the legislature, took upon them to make the law. They adjudged me *incapable* of being elected a member to serve in that Parliament, although I was qualified by the law of the land, and the noble Lord declared in this house, "if any other candidate had only six votes, he "would seat him for Middlesex." I repeat it, sir, this violence was a direct infringement of Magna Charta, *high treason* against the sacred charter of our liberties. The words, to which I allude, ought always to be written in letters of gold: "No freeman shall "be disseized of his freehold, or liberties, or free customs, unless by the lawful judgment of his peers, or "by the law of the land." By the conduct of that majority, and of the noble Lord, they assumed to themselves the power of making the law, and at the same moment invaded the rights of the People, the King, and the Lords. The two last tamely acquiesced in the

General Fitzroy, Member for Thetford, and Vice-Chamberlain to the Queen, likewise asserted, "That the magistrate was also mistaken in attributing his *expulsion* to "the noble Lord with the blue ribband, for it was a just, and the *favourite*, measure of "the noble Duke, his brother, who was then Minister." The Lord Mayor, Mr. Wilkes, replied, that what one brother had, perhaps with more truth than discretion, confessed of the other, ought to be the subject of an impeachment from all the Commons of England against the Duke of Grafton, on the very evidence of the Member who spoke last; and he expatiated on the insolence, as he termed it, of a Peer's interfering in the elections and privileges of the Commons, and of declaring *who should sit in that House*. Such barefaced usurpations on the rights of the people were, he said, the old *genuine Stuart* maxims, which he hoped had taken their flight at the accession of the Brunswick line. He concluded, that the House ought to be alarmed at this open avowal, that the expulsion of one of their members was a *favourite* measure of an arbitrary Minister, the Member of another House, and predetermined in another place; that he could not suppress his indignation, that any man could entertain the idea of deriving a kind of imputed *family* merit from a violation of the laws of his country perpetrated by a brother; and that the approbation and voluntary confession of a crime committed by another, but almost incapable of proof, argued a degree of folly most justly the object of pity, but a total want of principle, with excited horror.

exercise of a power, which had been in a great instance fatal to their predecessors, had put an end to their very existence; but the people, sir, and in particular the spirited freeholders of this county, whose ruling passion is the love of liberty, have not yet forgiven the attack on *their* rights. So dangerous a *precedent*, of usurped power, which may in future times be cited and adopted in practice by a despotic minister of the crown, ought to be expunged from the Journals of this House.

I have heard and read much of *precedents* to justify the proceedings of the last House of Commons. I own, sir, I value very little the doctrine of * precedents. There is scarcely any new villainy under the sun. A precedent can never justify any action in itself wicked, a robbery for instance on the heaths of Hounslow or Bagshot, of which there are innumerable precedents. The basest actions may be justified by precedents drawn from bad times and bad men. The sole question is, Whether this power is not a direct usurpation on the rights of the people? If *that* is proved, I care not how long the usurpation has continued, how often been practised. It is high time to put an end to it. It was the case of *General Warrants*. One precedent however, the most insisted upon, I must take notice of, because it is said fully to come up to the point, but, in my opinion, in almost every part it proves the contrary of what it has been brought to support. I mean the remarkable case of Mr. Walpole in 1711, a period, in which the rankest *Tory* principles were countenanced more than in any other of our history prior to 1760. The case, sir, has

* One *precedent* creates another.—They soon accumulate and constitute Law. What yesterday was fact, to-day is doctrine.

been so partially quoted, even by a * person whose sole merit here was an assumed accuracy, which he never possessed, that I shall desire it may be read to the House from the Journals.

[The Clerk read,]

“ Resolved, that Robert Walpole, Esquire, having
“ been, this session of Parliament, committed a prisoner
“ to the Tower of London, and expelled this House,
“ *for an high breach of trust in the execution of his office,*
“ *and notorious corruption, when Secretary at War,* was
“ and is incapable of being elected a Member to serve
“ in the present Parliament.”

Now, sir, I must observe, that even *that* House of Commons, at an æra so hostile to the liberties not only of England but of Europe, did not venture to adjudge Mr. Walpole incapable of being elected a member to serve in that Parliament *only* because he was expelled; but in the body of the Resolution itself they added another reason, which would be trifling, if the former was sufficient and adequate to the point, *the high breach of trust in the execution of his office, and notorious corruption,*

* *Jeremiah Dyson*, Esq; formerly Clerk of the House of Commons; Member in the present Parliament for *Horsham* in *Sussex*.

It is well worth remarking that the compiler of a certain quarto, called *The case of the last election for the county of Middlesex considered*, has the impudence to recite this very vote, in the following terms; (vide page 11) “ Resolved, that Robert Walpole, Esq; having been that session of parliament expelled the House, was and is incapable of being elected a member to serve in the present parliament.” There cannot be a stronger positive proof of the *treachery* of the compiler, nor a stronger presumptive proof that he was convinced that the vote, if truly recited, would overturn his whole argument.

Junius, vol. I. p. 145.

After convicting Mr. *Dyson* of giving a false quotation from the journals, and having explained the purpose, which that *contemptible fraud* was intended to accomplish.

when Secretary at War. As trustees for the nation, they assigned a public cause, which must interest every member of the community. In the case of Mr. Wilkes, the last House of Commons declared, “ that John Wilkes, Esquire, having been, in this Session of Parliament, expelled this House, *was and is* incapable of being elected a Member to serve in this present Parliament.” The *having been expelled*, whether justly or unjustly, is the *only* reason, which they gave to the world. I shall not yet, sir, dismiss the case of Mr. Walpole. It will prove another proposition maintained by me : it will shew the injustice of the late House of Commons in seating Mr. Luttrell, as Representative for the County of Middlesex. The fact was, that the House in Queen Anne’s time, having expelled Mr. Walpole, ordered immediately the issuing of a new writ. At the subsequent election Mr. Walpole was again returned. A Mr. Taylor, who had a minority of votes, petitioned ; but the election was vacated. Had the doctrine propagated by the late majority, and by the noble Lord with the blue ribband, been just and founded, Mr. Taylor ought to have been the sitting member, the House should have resolved that he *ought* to have been returned, and that the grossest injustice had actually been committed against him. But even *that* Parliament, whose memory the nation execrates, stopped short in their career of iniquity, and did not proceed to such enormous wickedness. It was reserved for the present æra, when shame has lost its blush. Mr. Luttrell was for some years permitted to sit here as representing the County of Middlesex, although a great majority of the freeholders abhorred and reprobated the idea of *his* repre-

senting them, on every public occasion declared it, and in their *Petition* to this House gave the record of it under their hands to all posterity.

Sir, when the strong, unanswerable reasons, on which any doctrine is founded, bear me out, I care little about precedents. I recollect however another instance in more auspicious times, when a glorious monarch defended the constitution, which he had restored. It directly meets the objection so much relied upon; “that *expulsion* necessarily implies *incapacity*.” It is the last, which I shall desire the Clerk to read. I wish him to turn to the Journals of Feb. 20, 1698.

[The Clerk read,]

“Resolved, that Richard Woollaston, Esquire, being
“ a Member of this House of Commons, and having
“ since been concerned, and acted, as a receiver of the
“ duties upon houses, as also upon births, marriages,
“ and burials, contrary to the Act, made in the fifth
“ and sixth years of his Majesty’s reign, for granting
“ several duties upon salt, beer, ale, and other liquors,
“ *be expelled this House.*”

Now, sir, I defy all the subtlety of the most expert court lawyer among us, all the sophistry of the bar, to reconcile Mr. Woollaston’s case with the favourite court tenet, “that *expulsion* necessarily implies *incapacity*.” The fact is ascertained, and indeed admitted, that a new writ did issue for the borough of Whitchurch in Hampshire, and that Mr. Woollaston was re-elected, and sat in the same Parliament. *Incapacity* therefore in the same Parliament does not necessarily follow *expulsion*.

I am ready to admit, that, where a clear *legal* incapacity exists, all votes given to a person incapacitated are thrown away, if they are knowingly given to him. But, sir, I beg leave to assert, that this was not the case in the Middlesex business. Mr. Wilkes was qualified by the law of the land; and the freeholders, who perfectly understood the clear point of law, as well as their own rights, expressly declared in the Petition presented on the 29th of April 1769 to the House, “ Your
 “ Petitioners beg leave to represent to this honourable
 “ House, that the said Henry Lawes Luttrell had not
 “ the majority of legal votes at the said election, nor
 “ did the majority of the freeholders, when they voted
 “ for John Wilkes, Esquire, mean thereby to throw
 “ away their votes, or to wave their right of representation; nor would they, by any means, have chosen
 “ to be represented by the said Henry Lawes Luttrell,
 “ Esquire. Your Petitioners therefore apprehend he
 “ cannot sit as the representative of the said County in
 “ Parliament, without a manifest infringement of the
 “ rights and privileges of the freeholders thereof.”

This House, sir, is created by the people, as the other is by the King. What right can the majority have to say to any county, city, or borough, you shall not have a particular person to be your representative, only because he is obnoxious to us, when he is qualified by law? Every county, city, or borough, has an equal right with all other counties, cities, and boroughs, to its own choice, to its own distinct deputy in the great council of the nation. Each is free and independent, invested with precisely the same powers.

I do not mean, sir, now to enter into the argument, whether it may not be fit to give this House the power

of expulsion in the first instance, for very flagrant and infamous crimes, either committed, or of which the member may be convicted, subsequent to his election. The sending the member back to his constituents on such ground might be considered as an appeal to the people. If however his constituents should differ in opinion from the majority of this House, if they should think him fit to be re-elected, he ought to be admitted, because he claims his seat under the same authority by which every member holds the privilege of sitting and voting here, a delegation from the people, their free choice. The first appeal to the constituents might in many cases appear just and reasonable. The appeal certainly lies to them, for they are the fountain of this power. We exercise their right. By their representation only we are a House of Parliament. They have the right of choosing for themselves, not a Majority here for them.

Sir, I will venture to assert, that the law of the land, by which all courts of judicature are equally bound, is overturned by the power lately exercised by a Majority of a House of Commons. The right of election by law is vested in the freehold. It is not placed in you, but in other hands, in those of the freeholders, or the constituents. Your predecessors not only robbed a particular county of its noblest privileges, but they changed the constitution of a House of Commons. The freeholders of this county and the nation abhorred the proceeding, and poured their execrations on the treacherous authors. From us not only they, but the law and constitution, now expect a full reparation of the injury, by rescinding the Resolution.

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This usurpation, if acquiesced under, would be attended with the most alarming consequences. If you can reject those disagreeable to a majority, and expel whom you please, the House of Commons will be *self-created and self-existing*. You may expel till you approve, and thus in effect you nominate. The original idea of this House being the representative of the commons of the realm will be lost. The consequences of such a principle are dangerous in the extreme. A more forcible engine of despotism cannot be put into the hands of a Minister. I wish gentlemen would attend to the plain consequences of such proceedings, and consider how they may be brought home to themselves. A member hated, or dreaded, by the minister, is accused of a crime; for instance, of being the author of what he thinks a libel. I select this case, as being the crime the least likely to be committed by any one gentleman of the present majority of this House. No proof whatever is given on oath before you, because you cannot administer an oath, except in the cases provided for by act of Parliament. You determine the *fact* however, and thus the Minister begins with invading the rights of *juries*. Before any trial, he gets the paper voted a libel, and the member he wishes expelled is voted to be the author, which is a *fact* this House is not competent to try and determine. *Expulsion* means always, as it is pretended, *incapacity*. The member is accordingly adjudged *incapable*. He cannot in consequence be re-elected, and thus is totally excluded from Parliament. By such manœuvres a minister may garble a House of Commons till not a single enemy of his own, or friend of his country, is left here, and the representation of the people in a

great degree annihilated. Corruption had not lent despotism wings to fly so high in the reign of Charles I, or the minister of that day would have been contented with expelling *Hampden*, and the *four* other heroes, because they had immediately been adjudged *incapable*, and thereby incapacitated from thwarting in parliament the arbitrary measures of a wicked court. My expulsion was an easy victory over liberty and the constitution. It went with wonderful expedition through all the forms of this House, for it was known to be a measure previously adopted in the cabinet, whose members have through the * present reign frequently dared to deliberate on the invasion of the dearest rights of their country.

Upon all these considerations, sir, in order to quiet the minds of the people, to restore our violated constitution to its original purity, to vindicate the injured rights of this county in particular, and of all the electors of this kingdom, and that not the least trace of the violence and injustice of the last parliament in this important cause may disgrace our records, I humbly move, “ that the resolution of this House of the “ 17th of February 1769, *that John Wilkes, Esquire,*

* One of the first acts of the present reign was to dismiss Mr. Legge, because he had some years before refused to yield his interest in Hampshire to a Scotchman [*Sir Simeon Stuart*], recommended by Lord Bute. This was the reason publicly assigned by his Lordship. Junius, vol. II. p. 35.

The transaction, to which Junius alludes, is related at large in a 4to pamphlet compiled from original papers, intitled, *Some Account of the Character of the late Right Honourable Henry Bilson Legge*.

Mr. Legge received a verbal message from Lord Bute by Mr. Martin [*Samuel Martin Esq.*] Dec. 12, 1759, the purport of which was, as it stands upon Mr. Legge's paper, “ that he should bid adieu to the County of Southampton at the “ general election, and assist, as far as lay in his power, the *Prince of Wales's* [now “ *George the Third's*] *nominations of two members.*” p. 16.

Before the talons were grown, such things were remarked, that every man of reflection dreaded the moment of maturity.

“ *having*

“ *having been, in this session of Parliament, expelled this*
 “ *House, WAS, and IS, incapable of being elected a Mem-*
 “ *ber to serve in the present Parliament, be expunged*
 “ *from the Journals of this House, as being sub-*
 “ *versive of the rights of the whole body of electors*
 “ *of this kingdom.*”

VOTES of March 29, 1775.

Ordered, That the order of the day for the second reading of the Bill to incapacitate William Abraham, James Anderson, junior, &c. &c. from voting at elections for Members to serve in Parliament, and for the preventing bribery and corruption in the election of Members to serve in Parliament, for the Borough of *Hindon*, in the county of Wilts, be now read.

Sir Cecil Wray, Member for East Retford, gave notice in a very spirited manner, that he would move the Committee to insert likewise in the Bill the names of the Bribers, the Candidates themselves. The Lord Mayor, *Mr. Wilkes*, observed, that the punishment ought to extend farther as to all the parties, and mentioned a great defect in the Statute Law against Bribery and Corruption; that at present a person convicted of bribery and corruption was indeed incapacitated from voting for a Member of Parliament, but not from becoming himself a part of the legislative body, and actually sitting in that House. He added, that there was at that time a * gentleman in a high and lu-

* The person alluded to is supposed to be Bamber Gascoyne, Esq. Member for Truro in Cornwall, now a Lord of Trade, who was prosecuted to conviction for bribery at a former election for Malden in Essex.

crative office under the Crown, bestowed upon him since he was personally convicted of bribery and corruption, who was admitted and acknowledged to be a Member of the House of Commons in this very Parliament. He appealed to the Minister himself, who was present, for the truth of the assertion; but no answer was given. He further remarked, that the mode proposed by some gentlemen, of prosecuting the electors of *Hindon* in a court of law, instead of punishing them by the present Bill, would let half the guilty escape, even supposing a lawyer could be found public-spirited enough to undertake so many and expensive causes, under the known circumstance of the poverty of the parties, and their inability to pay the penalties; for, as the law now stands, any person guilty of bribery and corruption, who informs against another equally guilty, saves himself, and acquires a personal indemnity; that this would certainly be the case of the venal wretches at *Hindon*, and consequently 94 of them might escape the punishment which all the 188 so highly merited; whereas the mode of a Bill in Parliament dealt out equal and exemplary punishment to all the guilty.

VOTES of October 26, 1775.

Resolved, That an humble *Address* be presented to His Majesty, to return His Majesty the thanks of this House, for His most gracious Speech from the Throne.

To

To assure His Majesty, that we have long lamented the condition of our unhappy fellow subjects in *America*, seduced from their allegiance by the grossest misrepresentations, and the most wicked and insidious pretences, &c. to declare, that His Majesty's faithful Commons took a sincere part in His Majesty's paternal desire, rather to reclaim, than to subdue the most refractory of His Colonies, &c. the rebellious war now levied is become more general, &c. that we thankfully acknowledge the gracious considerations, which induced his Majesty to send a part of His *Electoral troops* to the garrisons of Gibraltar and Port Mahon, &c. that we are bound in duty to return His Majesty our particular thanks for pointing out to us, from the Throne, the constitutional resource of our well-modelled and well-regulated national *Militia*, &c. and to assure His Majesty, that we hear with the highest satisfaction the affectionate declaration of the *Father of his People*, &c. &c. &c.

The Lord Mayor, *Mr. Wilkes*, said,

Mr. Speaker,

I entirely agree with the honourable gentleman*, who seconded the Motion for an Address to his Majesty, that *every man ought now to speak out*; and in a moment so important as the present to the whole empire, I think it ill becomes the dignity and duty of Parliament to lose itself in such a fulsome adulatory Address to the throne as that now proposed. We ought rather, sir, to approach our Sovereign with sound and wholesome advice, and even with remon-

* Governor Lyttelton, Member for Bewdley, now Lord Westcote, a Lord of the Treasury.

frances against the conduct of his ministers, who have precipitated the nation into an *unjust, ruinous, felonious, and murderous* war. I call the war with our brethren in America an *unjust, felonious* war, because the primary cause and confessed origin of it is, to attempt to take their money from them without their consent, contrary to the common rights of all mankind, and those great fundamental principles of the English constitution, for which *Hampden* bled. I assert, sir, that it is in consequence a *murderous* war, because it is an effort to deprive men of their lives for standing up in the just cause of the defence of their property, and their clear rights. It becomes no less a *murderous* war, with respect to many of our fellow-subjects of this island; for every man, either of the navy or army, who has been sent by government to America, and fallen a victim in this unnatural and unjust contest, has, in my opinion, been *murdered* by administration, and his blood lies at their door. Such a war, I fear, sir, will draw down the vengeance of heaven upon this devoted kingdom.

I think this war, sir, fatal and *ruinous* to our country. It absolutely annihilates the *only* great source of our wealth, which we enjoyed *unrivalled by other nations* *, and deprives us of the fruits of the laborious industry

* The Speech of the LORD MAYOR, *Mr. Wilkes*, from the Hustings at Guildhall, to the COMMON HALL, April 5, 1775.

Gentlemen of the Livory,

It would ill become me on this important day to take up much of your time. I very readily complied with the request of several respectable Citizens to call this Common Hall, from every feeling of justice and humanity to our persecuted brethren in America, and the fatal consequences I foresee of the violent proceedings now carrying on, which must so deeply affect the prosperity, not only of this, the first commercial city in the world, but likewise the whole kingdom. I will only, gentlemen,

industry of near three millions of subjects, which centered here. *That* commerce has already taken its flight, and our American merchants are now deploring the consequences of a wretched policy, which has been pursued to their destruction. It is, sir, no less *ruinous* with regard to the enormous expence of the fleets and armies necessary for this nefarious undertaking, and of consequence the enormous supplies to be raised *, so that we are wasting our present wealth, while we are destroying the sources of all we might have in future. An humane mind must contemplate with

Gentlemen, beg leave to read to you, from your own records on this subject, the words of a petition from this Metropolis to both Houses of Parliament, long before the present unhappy contest between the Mother Country and her *American Colonies* began, so long ago as the year 1739.

"The Citizens of London are too deeply interested in whatever affects the trade of this nation not to express the utmost anxiety for the welfare of that only source of our riches. The petitioners apprehend, that the trade from these His Majesty's kingdoms to His *American Colonies*, is of the utmost importance, and almost the only profitable trade this nation now enjoys unrivalled by others."

If, Gentlemen, the trade to our *American Colonies* near forty years ago was, according to the declared opinion of this Metropolis, of such importance, the amazing entries for several late years made in the books of the Custom-house, which are almost daily before *your* eyes, will best demonstrate to what an immense magnitude it is since grown, and that such an object calls for our most earnest, unwearied attention and regard. Whatever your determinations may be, you may be assured of the hearty concurrence of your Chief Magistrate.

* In the Speech from the Throne on the same day His Majesty declared, "among the many unavoidable ill consequences of this *Rebellion*, none affects me more sensibly than the extraordinary burthen which it must create to my faithful subjects." This passage is a clear demonstration, that the Speech from the Throne must be considered as the Speech of the Minister, not of the Sovereign. The Minister, who controls the finances of a state, would naturally dwell on the great expence of a rebellious war; but a good and humane King, who loved his people, would be more sensibly affected by the idea of the cruel effusion of the blood, and the loss of the lives, of many thousands of his subjects.

En 1744, Menin est attaqué par les François. On dit à Louis XV qu'en brusquant une attaque qui coûtera quelques hommes, on fera quatre jours plutôt dans la ville. "Eh bien," dit le Roi, "prenons-la quatre jours plus tard; j'aime mieux perdre quatre jours devant une place, qu'un seul de mes sujets."

Journal de Louis XV.

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agony the dreadful calamities and convulsions, which are the consequence of every civil war, and especially a civil war of this magnitude and extent.

I speak, sir, as a firm friend to England and America, but still more to universal liberty, and the rights of all mankind. I trust no part of the subjects of this vast empire will ever submit to be slaves. I am sure the Americans are too high-spirited to brook the idea. Your whole power, and that of your allies, if you had any, even of all the German troops, of all the ruffians from the North, whom you can hire, cannot effect so wicked a purpose. The conduct of the present administration has already wrested the sceptre of America out of the hands of our Sovereign, and he has now scarcely even a postmaster left in that whole northern continent. More than half the empire is already lost, and almost all the rest in confusion and anarchy. The ministry have brought our Sovereign into a more disgraceful situation than any crowned head now living. He alone has already lost, by their fatal counsels, more territory than the three great united powers of Russia, Austria, and Prussia, have together by a wicked confederacy *robbed* Poland of, and by equal acts of violence and injustice from administration.

England was never engaged in a contest of such importance to our most valuable concerns and possessions. We are fighting for the subjection, the *unconditional submission*, of a country infinitely more extended than our own, of which every day increases the wealth, the natural strength, the population. Should we not succeed, it will be a loss never enough to be deplored, a bosom friendship soured to hate and resentment. We shall be considered as their most implacable enemies,

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an eternal separation will follow, and the grandeur of the British empire pass away. Success, *final success*, seems to me not equivocal, not uncertain, but impossible. However we may differ among ourselves, they are perfectly united. On this side the *Atlantic* party-rage unhappily divides us, but one soul animates the vast northern continent of America, the general *congress*, and each provincial assembly. An appeal has been made to the sword; and at the close of the last campaign what have we conquered? *Bunker's Hill* only, and with the loss of 1200 men. Are we to pay as dearly for the rest of America? The idea of the conquest of that immense continent is as romantic as unjust.

The honourable gentleman*, who moved the Address, says, "the Americans have been treated with lenity." Will facts justify the assertion? Was your *Boston port* Bill a measure of lenity? Was your *fishery* Bill a measure of lenity? Was your Bill *for taking away the charter of the Massachusetts Bay* a measure of lenity, or even justice? I omit your many other gross provocations and insults, by which the brave Americans have been driven into their present state. He asserts that they *avow* a disposition to be *independent*. On the contrary, sir, all the declarations, both of the late and the present *congress* †, uniformly tend to this one object, of being *put on the same footing the Americans were in the year 1763* ‡. This has been their only demand,

* John Dyke Acland, Esq. Member for Callington, in Cornwall.

† The first Congress was held Sept. 5, 1774, at Philadelphia. The second May 10, 1775.

‡ Quest. What was the temper of America towards Great Britain *before the year 1763*?

stand, from which they have never varied. Their daily *prayers* and *petitions* are for *liberty, peace, and safety*. I use the words of the *Congress* the last year. They justly expect to be put on an equal footing with the other subjects of the empire, and are willing to come into any fair agreement with you in commercial concerns. If you confine all our trade to yourselves, say they; if you make a monopoly of our commerce; if you shut all the other ports of the world against us, do not tax us likewise. If you tax us, then give us a free trade, such as you enjoy yourselves. Let us have equal advantages of commerce, all other ports open to us; then we can, and will, chearfully, voluntarily pay taxes. You will have a *free-will offering* given with pleasure, not grudgingly.

It must give, sir, every man who loves this country, the deepest concern at the naming in the Address *foreign troops*, Hanoverians and Hessians, who are now called to interfere in our domestic quarrels, not to dwell this day on the illegality of the measure, the danger and disgrace attending *foreign mercenaries*. The *militia*, indeed, are we are told to be now employed, and that noble institution is at present complimented by ministers, but we know they hate the very name of a *militia*, and that measure is adopted only because the embody-

Ans. The best in the world. They submitted willingly to the government of the Crown, and paid, in all their courts, obedience to Acts of Parliament. Numerous as the people are in the several old provinces, they cost you nothing in forts, citadels, garrisons, or armies, to keep them in subjection. They were governed by this country at the expence only of a little pen, ink, and paper. They were led by a thread. They had not only a respect, but an affection for Great Britain, for its laws, its customs, and manners, and even a fondness for its fashions, that greatly increased the commerce. Natives of Britain were always treated with particular regard; to be an *Old-England-man*, was, of itself, a character of some respect, and gave a kind of rank among us. Dr. Franklin's Examination, p. 111.

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ing of those forces enables administration to *butcher* more of our fellow-subjects in America.

Sir, I disapprove not only the evil spirit of the whole *Address*, but likewise the wretched adulation of almost every part of it. My wish and hope therefore is, that it will be rejected by the House; and that another dutiful, yet decent, and manly, *Address* will be presented to the King, praying his Majesty to sheathe the sword, prevent the farther effusion of the blood of our fellow-subjects, adopt some mode of negotiation with the general congress, in compliance with their repeated *petitions*, and thereby restore peace and harmony to this distracted empire.

VOTES of Novemder 27, 1775.

A Motion was made, and the Question being proposed
 “ That an humble *Address* be presented to his Majesty, humbly requesting, that his Majesty would
 “ be graciously pleased to impart to this House, who
 “ were the original authors and advisers to his Majesty of the following measures, before they were
 “ proposed in Parliament — for taxing America,
 “ without the consent of its Assemblies, for the purpose of a Revenue, &c. &c.”

Mr. *Wilkes* said,

Mr. Speaker,

The *Address* to his Majesty, which * the honourable gentleman has moved this day, is so essentially different

* Mr. Alderman Oliver, Member for London.

from

from all other late addressees to the throne, that I own it meets with my hearty concurrence. I think it, sir, of the utmost consequence to know the original authors and advisers of this unjust, pernicious, and calamitous war, which has already deluged with blood a part of America, and spread horror and devastation through that whole northern continent. When so many provinces of the empire are already lost, and the rest actually engaged in a cruel, civil war, we ought not to sit down in a criminal supineness. It becomes our duty, as the grand inquest of the nation, to find out and punish the delinquents, by whose fatal counsels such evils have been brought upon this convulsed and almost ruined state. We owe it to the people at large; and several of us have it in express charge from our constituents.

We are, I fear, sir, on the eve of an eternal, political separation from the western world, unless a very speedy reconciliation should take place. If the present motion happily meets with success, I am sure it will do more towards a sincere, lasting, and hearty union with America, than all the captious and fallacious proposals of administration. The Americans will then believe we indeed desire a reconciliation with them, and they will at length begin to have confidence in our counsels, when they see the vengeance of Parliament fall on the authors of our common calamities. The principles of violence and injustice, which have hitherto prevailed, they will see, if the House is really in earnest to treat, yield to equity and moderation; a negotiation on fair, equal, and just terms, may ensue, and a general tranquillity be re-established in an empire, which is now shaken to its very foundation.

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I really think, sir, this is almost the only method now left of extricating ourselves with honour and dignity from our present alarming difficulties. You have voted fleets and armies, and your forces figure greatly in the papers of the Secretary at War, and in the expensive estimates on your table. But the minister knows very well they are not equal to the mad project of subjugating the vast continent of America, nor do I believe the whole strength of this kingdom adequate to such an attempt. After a very bloody campaign you have conquered only one *bill* of less than a mile's circumference, for you were suffered to land as friends in the only sea-port town of any consequence which you possess. Would the noble * lord, whom his Majesty has lately raised to one of the highest *civil* offices, if he were sent on a *military* service, would he venture, even at the head of *the whole British cavalry*, to advance ten miles into the country? He would not, I am persuaded, be so rash, nor do I think his spirit quite

* *Lord George Sackville* Germaine, one of His Majesty's Principal Secretaries of State [*for America*].

From the London Gazette of April 16, 1760.

This Court [a *General Court-Martial*], upon the consideration of the whole matter before them, is of opinion, That *Lord George Sackville* is guilty of having *disobeyed* the orders of Prince Ferdinand of Brunswick, whom he was by his Commission and Instructions directed to obey, as Commander in Chief, according to the rules of war; and it is the further opinion of this Court, that the said *Lord George Sackville* is, and he is hereby adjudged, *unfit to serve His Majesty in any MILITARY capacity whatever*.

From the London Gazette of Nov. 11, 1775.

His Majesty having pleased to appoint the Right Honourable *Lord George Sackville* Germaine to be one of His Majesty's Principal Secretaries of State, his Lordship was this day, by His Majesty's command, sworn one of His Majesty's Principal Secretaries of State accordingly.

daring enough to make the attempt. And is any minister weak enough to flatter himself with the conquest of all North America? The Americans will dispute every inch of territory with you, every narrow pass, every strong defile, every *Thermopylæ*, every *Bunker's Hill*. A train of most unfortunate events will probably ensue, and the power of recruiting, perhaps subsisting, your weakened forces, at such a distance, be lost. After an unavailing struggle of a very few years, when the ruined merchant and manufacturer besiege your doors, you will perhaps think of naming ambassadors to the general congress, instead of the wild and expensive jobb and farce now in contemplation, of thirty commissioners, with a salary of four thousand pounds each, to cry *Peace, when there is no Peace*.

Yet, sir, I think *Peace* absolutely necessary between Great Britain and America, and therefore I approve the present motion, as holding out the olive branch. The Americans are rapidly increasing in population, and in the knowledge of all the useful arts of life. Alas! sir, they are not ignorant even in the fashionable art of murdering our own species. The late worthy governor of Pennsylvania * declared at the bar of the other House, that *that* province now grew more corn than was sufficient for the supply of its inhabitants; that they exported considerably every year; that they perfectly understood the art of making gunpowder, and had effected it; that they had established several works to procure saltpetre; that they had the materials and means in great plenty of casting iron cannon; that the art of casting both brass and iron cannon, as well as of fabricating small arms, had been carried to great per-

* Richard Penn, Esq; was examined before the House of Lords, Nov. 10, 1775.

fection; and that they were expert in ship-building beyond the Europeans. He declared likewise, *that* single province had actually enrolled 20,000 men in arms, embodied, but not in pay, and had 4000 minute men ready on the first notice of any danger. The authentic accounts of the preparations for the forming, training, and disciplining troops in the Massachusetts Bay and in Virginia are equally formidable, nor are they inconsiderable in the other *united provinces*. Every idea of force therefore on our side must appear infatuation.

All wise legislators, sir, have calculated the strength of a nation from the number of its inhabitants, the laborious, strong, and active. The population in most parts of America is doubled in the course of nineteen or twenty years; while that of this island is known rather to have decreased since the year 1692. The emigrations of late from the three kingdoms have been amazing and alarming. Our own people have fled in multitudes from a government, under which they starved. It appears from the nicest calculations, that many more of our fellow-subjects have voluntarily left this kingdom for America—never to return—than I believe administration has hitherto sent in their pay both of fleets and armies—never to return—in any considerable proportion I mean of the force sent. The Americans, sir, are a pious and religious people. With much ardour and success they follow the first great command of Heaven, *Be fruitful, and multiply*. While they are fervent in these devout exercises, while the men continue enterprising and healthy, the women kind and prolific, all your attempts to subdue them by force will be ridiculous and unavailing, will be regarded by them with scorn and abhorrence. They are daily

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strength.

strengthening; and if you lose the present moment of reconciliation, to which this motion tends, you lose all. America may now be reclaimed or regained, but cannot be subdued.

Gentlemen, sir, do not seem to have considered the astonishing disadvantages, under which we engage in this contest against the combined powers of America, not only from the distance and natural strength of the country, but the peculiar and fortunate circumstances of a young, rising empire. The *Congress*, sir, have not the monstrous load of a debt of above one hundred and forty millions, like our Parliament, to struggle with, the very interest of which would swallow up all their taxes! nor a numerous and hungry band of useless placemen and pensioners to provide for; nor has luxury yet enervated their minds or bodies. Every shilling which they raise will go to the man who fights the battles of his country. They set out like a young heir with a noble landed estate, unincumbered with enormous family debts; while we appear the poor, old, feeble, exhausted, and ruined parent, but exhausted and ruined by our own wickedness, prodigality, and profligacy.

Sir, I daily hear the Americans, who glow with a divine zeal for liberty in all its branches, misrepresented in this House, and the ostensible minister is diligent in propagating the most unjust calumnies against them. The noble lord with the blue ribband told us, the *liberty of the press* was lost throughout America. The noble lord deceives us in this, as in many other things. From experience we know that his intelligence can never be relied upon. The liberty of the press, the bulwark of all our liberties, is lost only in Boston, for
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his lordship's ministerial troops govern there only. The press is free at Water-Town, but seven miles distant from Boston, at Philadelphia, Newport, Williamfburgh, and in the rest of North America. I will give the House the demonstration. General Gage's foolish and contemptible proclamation against *Samuel Adams* and *John Hancock*, two worthy gentlemen, and, I dare to add, true patriots, even that proclamation, declaring them rebels and traitors, while the generals Washington, Putnam and Lee, with all the naval commanders in arms, were unnoticed by him, appears reprinted in all the American papers. His letters likewise to Governor Turnbull and others, in which he most heroically apologized for his inert conduct, as *necessary for the protection of the army—the protection of an army!*—and of an army, which we were taught to believe would look all opposition into subjection, awe the factious, and give security to the well affected—these letters too were all faithfully copied. I believe all the curious, futile orders he has issued, all his unmeaning declarations and proclamations, will be found as exact in the Pennsylvania, Water-Town, and other American newspapers, as in the Gazette, published by his authority at Boston, which in other respects is as partial and false as that of the American Secretary published *by authority* in this capital.

The * honourable gentleman, sir, who spoke last, says, the “ present address is trifling, for we already “ know the author and adviser of all the late measures “ against America; that the noble lord with the blue “ ribband will avow them, and has done it.” I wish to hear such a declaration. Will the noble lord avow

* Anthony Storer, Esq; Member for Carlisle.

himself the adviser of only one of the late flagitious measures, that of establishing Popery and despotic power in Canada? The father of that monstrous birth I thought had prudently hitherto chosen to remain concealed. He likewise tells us, “ the motion now before “ us is *coupled with* nothing, and *leads to* nothing.” I will tell him what it ought to *lead to*, what it ought to be *coupled with*. I mean an *impeachment*, sir, which I trust will follow, as the next motion of the honourable gentleman, who spoke first in this debate. Whoever did advise the measures lately pursued, which have lost half our empire, I consider as a criminal of so deep a dye, that his head would be a just sacrifice to the honour of England and the peace of America. The word *impeachment*, I hope, will always strike terror to the ear and heart of a wicked and arbitrary minister, and that the noblest and most important prerogative of this free people, secured to us by our great deliverer, king William III, in the “ Act for the further limitation of the “ crown, and better securing the rights and liberties of “ the subject,” will shortly have its full effect, “ that “ no pardon under the great seal of England be plead- “ able to an *impeachment* by the Commons in Parlia- “ ment.”

VOTES of March 21, 1776.

A Motion was made, and the Question was put “ That “ leave be given to bring in a Bill, for a just and “ equal

“ equal Representation of the People of England in
 “ Parliament.”

Mr. *Wilkes* said,

Mr. Speaker,

All wise governments, and well-regulated states, have been particularly careful to mark and correct the various abuses, which a considerable length of time almost necessarily creates. Among these, one of the most striking and important in our country is, the present unfair and inadequate state of the representation of the people of England in Parliament. It is now become so partial and unequal from the lapse of time, that I believe almost every gentleman in the House will agree with me in the necessity of its being taken into our most serious consideration, and of our endeavouring to find a remedy for this great and growing evil.

I wish, sir, my slender abilities were equal to a thorough investigation of this momentous business. Very diligent and well-meant endeavours have not been wanting to trace it from the first origin. The most natural and perfect idea of a free government is, in my mind, that of the people themselves assembling to determine by what laws they chuse to be governed, and to establish the regulations they think necessary for the protection of their property and liberty against all violence and fraud. Every member of such a community would submit with alacrity to the observance of what had been enacted by himself, and assist with spirit in giving efficacy and vigour to laws and ordinances, which derived all their authority from his own approbation and concurrence. In small inconsiderable states,

this mode of legislation has been happily followed, both by ancient and modern times. The extent and populousness of a great empire seems scarcely to admit it without confusion or tumult; and therefore our ancestors, more wise in this than the ancient Romans, adopted the representation of the *many* by a *few*, as answering more fully the true ends of government. Rome was enslaved from inattention to this very circumstance, and by one other fatal act, which ought to be a strong warning to the people, even against their own representatives, the leaving power too long in the hands of the same persons, by which the armies of the republic became the armies of Sylla, Pompey and Cæsar. When all the burghers of Italy obtained the freedom of Rome, and voted in public assemblies, their multitudes rendered the distinction of the citizen of Rome and the alien impossible. Their assemblies and deliberations became disorderly and tumultuous. Unprincipled and ambitious men found out the secret of turning them to the ruin of the Roman liberty and common-wealth. Among us this evil is avoided by *representation*, and yet the justice of the principle is preserved. Every Englishman is supposed to be present in Parliament, either in person, or by a deputy chosen by himself, and therefore the resolution of Parliament is taken to be the resolution of every individual, and to give to the public the consent and approbation of every free agent of the community.

According to the first formation of this excellent constitution, so long and so justly our greatest boast and best inheritance, we find that the people thus took care no laws should be enacted, no taxes levied, but *by their consent*, expressed by their representatives in the great council

council of the nation. The mode of representation in ancient times being tolerably adequate and proportionate, the sense of the people was known by that of Parliament, their share of power in the legislature being preserved, and founded in equal justice. At present it is become insufficient, partial, and unjust.

From so pleasing a view as that of the equal power, which our ancestors had, with great wisdom and care, modelled for the commons of this realm, the present scene gives us not very venerable ruins of that majestic and beautiful fabric, the English constitution. As the whole seems in disorder and confusion, all the former union and harmony of the parts are lost or destroyed. It appears, sir, from the writs remaining in the King's remembrancer's office in the exchequer, that no less than 22 towns sent members to the Parliament in the 23d, 25th, and 26th, of Edward I. which have long ceased to be represented. The names of some of them are scarcely known to us, such as those of Canebrig and Bamburg in Northumberland, Pershore and Brem in Worcestershire, Jarvall and Tykshull in Yorkshire. What a happy fate, sir, has attended the boroughs of Gatton and Old Sarum, of which, although *ipsæ periére ruinæ*, the names are familiar to us, the clerk regularly calls them over, and four respectable gentlemen represent their departed greatness, as the knights at a coronation represent Aquitaine and Normandy? The little town of Banbury, *petite ville, grand renom*, as Rabelais says of Chinon, has, I believe, only 17 electors, yet gives us in its representative *, what is of the utmost importance to the majority here, a first Lord of the treasury, and a Chancellor of the exchequer. Its

* Lord North is Member for Banbury,

influence and weight on a division, I have often seen overpower the united force of the members for London, Bristol, and several of the most populous counties. East-Grinstead too, I think, has only about 30 electors, yet gives a seat among us to that * *brave, heroic lord* at the head of a great *civil* department, now very *military*, who has fully determined † *to conquer America—but not in Germany*. It is not, sir, my purpose to weary the patience of the House by the researches of an antiquary into the ancient state of our representation, and its variations at different periods. I shall only remark shortly on what passed in the reign of Henry VI. and some of his successors. In that reign, Sir John Forestescue, his chancellor, observed that the House of Commons consisted of more than 300 *chosen men*; various alterations were made by succeeding Kings till James II. No change has happened since that period. Great abuses, it must be owned, contrary to the primary ideas of the English constitution, were committed by our former princes, in giving the right of representation to several paltry boroughs, because the places were poor, and dependent on them, or on a favourite *overgrown peer*. The land-marks of the constitution have often been removed. The marked partiality for Cornwall, which single county still sends, within one, as many members as the whole kingdom of Scotland, is striking. It arose from yielding to the crown in tin and lands a larger hereditary revenue than any other English county, as well as from the duchy being in the crown, and giving an amazing command and influence.

* Lord George Germaine is Member for East Grinstead.

† This seems to allude to the celebrated Expression of Mr. Pitt in the House of Commons, *that he had conquered America in Germany*.

By such abuses of our princes the constitution was wounded in its most vital part. Henry VIII. restored two members, Edward VI. twenty, Queen Mary four, Queen Elizabeth twelve, James I. sixteen, Charles I. eighteen, in all seventy-two. The alterations by creation in the same period were more considerable, for Henry VIII. created thirty-three, Edward VI. twenty-eight, Queen Mary seventeen, Queen Elizabeth forty-eight, James I. eleven; in all 173. Charles I. made no new creation of this kind. Charles II. added two for the county, and two for the city, of Durham, and two for Newark on Trent. This House is at this hour composed of the same representation it was at his demise, notwithstanding the many and important changes which have since happened. It becomes us therefore to enquire, whether the sense of Parliament can be now, on solid grounds, from the present representation, said to be the sense of the nation, as in the time of our forefathers. I am satisfied, sir, the sentiments of the people cannot be justly known at this time from the resolutions of a Parliament, composed as the present is, even though no undue influence was practised after the return of the members to the House, even supposing for a moment the influence of all the baneful arts of corruption to be suspended, which, for a moment, I believe, they have not been, under the present profligate administration. Let us examine, sir, with exactness and candour, if the * representation is fair and per-

* The representation must be complete. No state, a *part* of which only is represented in the legislature that governs it, is *self* governed. Had *Scotland* no representatives in the Parliament of *Britain*, it would not be free; nor would it be proper to call *Britain* free, though *England*, its other part, were adequately represented. The like is true, in general, of every country subject to a legislature in which *some* of its parts, or some classes of men in it, are represented, and others not.

fect ; let us consider of what the efficient parts of this House are composed, and what proportion they bear, on the large scale, to the body of the people of England, who are supposed to be represented.

The southern part of this island, to which I now confine my ideas, consists of about five millions of people, according to the most received calculation. I will state by what numbers the majority of this House is elected, and I suppose the largest number present of any recorded in our journals, which was in the famous year 1741. In that year the three largest divisions appear on our journals. The first is that of the 21st of January, when the numbers were 253 to 250 ; the second on the 28th of the same month, 236 to 235 ; the third on the 9th of March, 244 to 243. In these divisions the members for Scotland are included ; but I will state my calculations only for England, because it gives the argument more force. The division therefore, I adopt, is that of January 21. The number of members present on that day were 503. Let me, however, suppose the number of 254 to be the majority of members, who will ever be able to attend in their places. I state it high, from the accidents of sickness, service in foreign parts, travelling and necessary avocations. From the majority of electors only in the boroughs, which return members to this House, it has been demonstrated, that this number of 254 is elected by no more than 5723 persons, generally the inhabitants of Cornish, and other very insignificant boroughs, perhaps by not the most respectable part of the community. Is our Sovereign then to learn the sense of his whole people from these few persons ? Are these the men to give laws to this vast empire, and

to tax this wealthy nation? I do not mention all the tedious calculations, because gentlemen may find them at length in the works of the incomparable Dr. Price, in Postlethwaite, and in Burgh's Political disquisitions. Figures afford the clearest demonstration, incapable of cavil or sophistry. Since Burgh's calculations only one alteration has happened. I allude to the borough of Shoreham in Suffex. By the act of 1771, all the freeholders of forty shillings per annum in the neighbouring rape or hundred of Bramber are admitted to vote for that borough; but many of the old electors were disfranchised. It appears likewise, that 56 of our members are elected by only 364 persons. Lord chancellor Talbot supposed that the majority of this House was elected by 56000 persons, and he exclaimed against the injustice of that idea. More accurate calculations than his Lordship's, and the unerring rules of political arithmetic, have shewn the injustice to be vastly beyond what his Lordship even suspected.

When we consider, sir, that the most important powers of this House, the levying taxes on, and enacting laws for, five millions of persons, is thus usurped and unconstitutionally exercised by the small number I have mentioned, it becomes our duty to restore to the people their clear rights, their original share in the legislature. The ancient representation of this kingdom, we find, was founded by our ancestors in justice, wisdom, and equality. The present state of it would be continued by us in folly, obstinacy, and injustice.

This evil has been complained of by some of the wisest patriots our country has produced. I shall beg
leave

leave to give that close reasoner Mr. Locke's ideas in his own words. He says, in the treatise on civil government, " Things not always changing equally, " and private interest often keeping up customs and " privileges, when the reasons of them are ceased, it " often comes to pass, that in governments, where " part of the legislative consists of representatives " chosen by the people, that in tract of time this re- " presentation becomes very unequal and disproportion- " ate to the reasons it was at first established upon. " To what gross absurdities the following of a custom, " when reason has left it, may lead, we may be satis- " fied, when we see the bare name of a town, of which " there remains not so much as the ruins, where " scarce so much housing as a sheep-cote, or more in- " habitants than a shepherd, is to be found, sends as " many representatives to the grand assembly of law- " makers, as a whole county, numerous in people, " and powerful in riches. This strangers stand amazed " at, and every one must confess needs a remedy." After so great an authority as that of Mr. Locke, I shall not be treated on this occasion as a mere visionary; and the propriety of the motion I shall have the honour of submitting to the house, will scarcely be disputed. Even the members for such places as Old Sarum, and Gatton, who, I may venture to say at present *stant nominis umbræ*, will, I am persuaded, have too much candour to complain of the right of their few constituents, if indeed they have constituents, if they are not self-created, self-elected, self-existent, of this pretended right being transferred to the county, while the rich and populous manufacturing towns of Birmingham, Manchester, Leeds, Sheffield, and others,

may

may have at least an equitable share in the formation of those laws by which they are governed. My idea, sir, in this case, as to the wretched and depopulated towns and boroughs in general, I freely own, is amputation. I say with Horace, *Inutiles ramos amputans, feliciores inserit.*

This is not, sir, the first attempt of the kind to correct, although in an inconsiderable degree, this growing evil. Proceedings of a similar nature were had among us above a century past. The clerk will read from our journals what passed on the 26th of March, 1668, on a bill to enable the county palatine of Durham to send two knights for the county, and two citizens for the city of Durham. [*The clerk reads.*] In a book of authority, Anchitell Grey's Debates, we have a more particular account of what passed in the house on that occasion. He says that, "Sir Thomas Meres moved, that the shires may have an increase of knights, and that some of the small boroughs, where there are but few electors, may be taken away, and a bill for that purpose." We find afterwards, "on a division, the bill was rejected, 65 to 50." This division, however, alludes only to the bill then before the house, respecting the county and city of Durham. I desire to add the few remarkable words of Sir Thomas Strickland in this debate, because I have not seen them quoted on the late important American questions. "*The county palatine of Durham was never taxed in Parliament by ancient privilege before King James's time, and so needed no representatives; but now being taxed, it is but reasonable they should have.*" Such sentiments, sir, were promulgated in this house even so long ago as the reign of Charles II.

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I am aware, sir, that the power, *de jure**, of the legislature to disfranchise a number of boroughs, upon the

* Junius, in a letter to Mr. Wilkes, dated Sept. 7, 1771, and printed at the end of his second volume, says, "As to cutting away the rotten boroughs, I am as much
"offended as any man at seeing them under the direct influence of the crown, or
"at the disposal of private persons. Yet, I own, I have both doubts and apprehensions, in regard to the remedy you propose. I shall be charged perhaps
"with an unusual want of intrepidity, when I honestly confess to you, that I am
"startled at the idea of so extensive an amputation.—In the first place, I question
"the power, *de jure*, of the legislature to disfranchise a number of boroughs, upon
"the general ground of improving the constitution. There cannot be a doctrine
"more fatal to the liberty and property we are contending for, than that, which
"confounds the idea of a *supreme* and *arbitrary* legislature. I need not point out to
"you the fatal purposes to which it has been, and may be applied. If we are
"sincere in the political creed we profess, there are many things, which we ought
"to affirm cannot be done by King, Lords, and Commons. Among these I
"reckon the disfranchising of boroughs with a general view of improvement. I
"consider it as equivalent to robbing the parties concerned of their freehold, of
"their birth-right. I say that, although this birth-right may be forfeited, or the
"exercise of it suspended in particular cases, it cannot be taken away, by a general
"law, for any real or pretended purpose of improving the constitution. Supposing
"the attempt made, I am persuaded you cannot mean either King, or Lords,
"should take an active part in it. A bill, which only touches the representation
"of the people, must originate in the House of Commons. In the formation and
"mode of passing it, the exclusive right of the Commons must be asserted as scrupulously as in the case of a money-bill. Now, sir, I should be glad to know
"by what kind of reasoning it can be proved, that there is a power vested in the
"representative to destroy his immediate constituent; from whence he could
"possibly derive it. A courtier, I know, would be ready to maintain the affirmative. The doctrine suits him exactly, because it gives him an unlimited operation to the influence of the crown. But we, Mr. Wilkes, ought to hold a different language. It is no answer to me to say, that the bill, when it passes the
"House of Commons, is the act of the majority, and not the representatives of
"the particular boroughs concerned. If the majority can disfranchise ten boroughs,
"why not twenty, why not the whole kingdom? Why should not they make
"their own seats in parliament for life?—When the septennial act passed, the legislature did what, apparently and palpably, they had no right to do; but they
"did more than people in general were aware of: they, in effect, disfranchised
"the whole kingdom for four years.

"For argument's sake, I will now suppose, that the expediency of the measure, and the power of parliament, are unquestionable. Still you find an insurmountable difficulty in the execution. When all your instruments of amputation are prepared, when the unhappy patient lies bound at your feet, without the possibility of resistance, by what infallible rule will you direct the operation?—

"When

the general grounds of improving the constitution, has been doubted; and gentlemen will ask; whether a power is lodged in the representative to destroy his immediate constituent? Such a question is best answered by another. How originated the right, and upon what ground was it at first granted? Old Sarum and Gatton, for instance, were populous towns, and therefore the right of representation was first given them. They are now desolate, and of consequence ought not to retain a privilege, which they acquired only by their extent and populousness. We ought in every thing, as far as we can, to make the theory and practice of the constitution coincide. The supreme legislative body of a state must surely have this power inherent in itself. It was *de facto* lately exercised to its full extent by parliament in the case of Shoreham with universal approbation, for near a hundred corrupt voters were disfranchised, and about twice that number of freeholders admitted from the county of Sussex.

“When you propose to cut away the *rotten* parts, can you tell us what parts are perfectly *sound*?---Are there any certain limits in fact, or theory, to inform you at what point you must stop, at what point the mortification ends? To a man so capable of observation and reflection as you are, it is unnecessary to say all that might be said on the subject. Besides that I approve highly of Lord Chat- ham’s idea of *infusing a portion of new health into the constitution to enable it to bear its infirmities* (a brilliant expression, and full of intrinsic wisdom), other reasons concur in persuading me to adopt it. I have no objection, &c.”

The man who fairly and completely answers this argument, shall have my thanks and my applause. My heart is already with him.---I am ready to be converted.---I admire his morality, and would gladly subscribe to the articles of his faith.---Grateful, as I am, to the GOOD BEING, whose bounty has imparted to me this reasoning intellect, whatever it is, I hold myself proportionably indebted to him, from whose enlightened understanding another ray of knowledge communicates to mine. But neither should I think the most exalted faculties of the human mind, a gift worthy of the divinity; nor any assistance in the improvement of them, a subject of gratitude to my fellow-creature, if I were not satisfied, that really to inform the understanding corrects and enlarges the heart.

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It will be objected, I foresee, that a time of perfect calm and peace throughout this vast empire is the most proper to propose internal regulations of this importance; and that, while intestine discord rages in the whole northern continent of America, our attention ought to be fixed upon that most alarming object, and all our efforts employed to extinguish the devouring flame of a civil war. In my opinion, sir, the American war is in this truly critical æra one of the strongest arguments for the regulation of our representation, which I now submit to the house. During the rest of our lives, likewise, I may venture to prophesy, America will be the leading feature of this age. In our late disputes with the Americans, we have always taken it for granted, that the people of England justified all the iniquitous, cruel, arbitrary, and mad proceedings of administration, because they had the approbation of the majority of this house. The absurdity of such an argument is apparent, for the majority of this house we know speak only the sense of 5723 persons, even supposing, according to the laudable constitutional custom of our ancestors, that the constituent had been consulted on this great national point, as he ought to have been *. We have seen in what manner the acquiescence of a majority here is obtained. The people in the southern part of this island amount to upwards of five millions. The sense, therefore, of

* Many in all ages, and sometimes the whole body of the Commons, have refused to give their opinion in some cases, till they had consulted with those that sent them; the houses have been often adjourned to give them time to do it; and if this were done more frequently, or that the towns, cities, and counties, had on some occasions given *instructions* to their deputies, matters would probably have gone better in parliament than they have often done.

five millions cannot be ascertained by the opinion of not 6000, even supposing it had been collected. The Americans with great reason insist, that the present war is carried on contrary to the sense of the nation, by a ministerial junto, and an arbitrary faction, equally hostile to the rights of Englishmen, and the claims of Americans. The various addresses to the throne from most numerous bodies, praying that the sword may be returned to the scabbard, and all hostilities cease, confirm this assertion. The capital of our country has repeatedly declared, by various public acts, its abhorrence of the present unnatural civil war, begun on principles subversive of our constitution. Our history furnishes frequent instances of the sense of Parliament running directly counter to the sense of the nation. It was notoriously of late the case in the business of the Middlesex election. I believe the fact to be equally certain in the grand American dispute, at least as to the actual hostilities now carrying on against our brethren and fellow-subjects. The proposition before us will bring the case to an issue; and from a fair and equal representation of the people, America may at length distinguish the real sentiments of free-men and Englishmen.

I do not mean, sir, at this time, to go into a tedious detail of all the various proposals, which have been made for redressing this irregularity in the representation of the people. I will not intrude on the indulgence of the House, which I have always found favourable and encouraging. When the bill is brought in, and sent to a committee, it will be the proper time to examine all the minutiae of this great plan, and to determine on the propriety of what ought now to be done,

and to consider what formerly was actually accomplished. The journals of Cromwell's Parliaments prove that a more equal representation was settled, and carried by him into execution. That wonderful, comprehensive mind embraced the whole of this powerful empire. Ireland was put on a par with Scotland. Each kingdom sent thirty members to a Parliament, which consisted likewise of four hundred from England and Wales. It was to be triennial. Our colonies were then a speck on the face of the globe; now they cover half the new world. I will at this time, sir, only throw out general ideas, that every free agent in this kingdom should, in my wish, be represented in Parliament; that the metropolis, which contains in itself a ninth part of the people, and the counties of Middlesex, York, and others, which so greatly abound with inhabitants, should receive an increase in their representation; that the mean, and insignificant boroughs, so emphatically styled *the rotten part of our constitution*, should be lopped off, and the electors in them thrown into the counties; and the rich, populous, trading towns, Birmingham, Manchester, Sheffield, Leeds, and others, be permitted to send deputies to the great council of the nation.

The disfranchising of the mean, venal, and dependent boroughs would be laying the axe to the root of corruption and treasury influence, as well as *aristocratical tyranny*. We ought equally to guard against *those, who sell themselves, or whose Lords sell them*. Burgage tenures, and private property in a share of the legislature, are monstrous absurdities in a free state, as well as an insult on common sense. I wish, sir, an English Parliament to speak the free, unbiassed sense of the
body

body of the English people, and of every man among us, of each individual, who may justly be supposed to be comprehended in a fair majority. The meanest mechanic, the poorest peasant and day-labourer, has important rights respecting his personal liberty, that of his wife and children, his property, however inconsiderable, his wages, his earnings, the very price and value of each day's hard labour, which are in many trades and manufactures regulated by the power of Parliament. Every law relative to marriage, to the protection of a wife, sister, or daughter, against violence and brutal lust, to every contract or agreement with a rapacious or unjust master, is of importance to the manufacturer, the cottager, the servant, as well as to the rich subjects of the state. Some share therefore in the power of making those laws, which deeply interest them, and to which they are expected to pay obedience, should be reserved even to this inferior, but most useful, set of men in the community. We ought always to remember this important truth, acknowledged by every free state, that all government is instituted for the good of the mass of the people to be governed; that they are the original fountain of power, *and even of revenue*, and in all events the last resource.

The various instances of partial injustice throughout this kingdom will likewise become the proper subjects of enquiry in the course of the bill before the committee. Of this nature are the many Freeholds in the city of London, which are not represented in this House. These freeholds being within the particular jurisdiction of the city, are excluded from giving a vote in the county of Middlesex, and by act of Parliament only Liverymen can vote for the Representatives of the City

of London. These, and other particulars, I leave. I mention them now, only to shew the necessity of a new regulation of the representation of this kingdom.

My enquiries, sir, are confined to the southern part of the island. *Scotland* I leave to the care of its own careful and prudent sons. I hope they will spare a few moments from the management of the arduous affairs of England and America, which are now solely entrusted to their wisdom, and at present so much engross their time, to attend to the state of representation among their own people, if they have not all * emigrated to this warmer and more fruitful climate. I am almost afraid the forty-five Scottish gentlemen among us represent themselves. Perhaps in my plan for the improvement of the representation of the inhabitants of England, almost all the natives of Scotland may at this time be included. I shall only remark, that the proportion of representation between the two countries cannot be changed. In the twenty-second article of the treaty of Union, forty five is to be the proportion of the representative body in the Parliament of Great-Britain for the northern part of this Island. To increase the members for England and Wales beyond the number, of which the English Parliament consisted at the period of that treaty in 1706, would be a breach of public faith, and a violation of a solemn

* Without any abstract reasoning upon causes and effects, we shall soon be convinced by *experience*, that the *Scots*, transplanted from their own country, are always a distinct and separate body from the people who receive them. In other settlements, they only love themselves;—in *England*, they cordially love themselves, and as cordially hate their neighbours.

Junius; Preface, p. 26.

The *wearis* Scots are hungry, and want feeding.

Epistle to Dr. Shebbeare.

The *eagle* England being in prey,

To her unguarded nest the *wearis* Scot

Comes sneaking, and so sucks her princely eggs.

Shakspeare.

treaty

treaty between two independent states. My proposition has for its basis the preservation of that compact, the proportional share of each kingdom in the legislative body remaining exactly according to its present establishment.

The monstrous injustice and glaring partiality of the present representation of the commons of England has been fully stated, and is, I believe, almost universally acknowledged, as well as the necessity of our recurring to the great leading principle of our free constitution, which declares this House of Parliament to be only a delegated power from the people at large. Policy, no less than justice, calls our attention to this momentous point. Reason, not custom, ought to be our guide in a business of this consequence, where the rights of a free people are materially interested. Without a true representation of the Commons, our constitution is essentially defective, and our Parliament a delusive name, a mere phantom. All other remedies to recover the pristine purity of the form of government established by our ancestors would be ineffectual, even the shortening the period of Parliaments, even a place and pension bill, both which I highly approve, and think absolutely necessary. I therefore flatter myself, sir, that I shall have the concurrence of the House with the motion, which I have now the honour of making, "That leave be given to bring in a bill for a just and equal representation of the people of England in Parliament."

VOTES of April 30, 1776.

A Motion was made, and the Question being put,
 “ That the Resolution of this House of the 17th of
 “ February 1769, *that John Wilkes, Esquire, having*
 “ *been in this Session of Parliament expelled this House,*
 “ *was, and is, incapable of being elected a Member to*
 “ *serve in this present Parliament,* be expunged from
 “ the Journals of this House, as being subversive of
 “ the rights of the whole body of electors of this
 “ kingdom.”

Mr. Wilkes said,

Mr. Speaker,

The veneration, with which I am deeply impressed for the constitution of my country, the love and affection of a native to the noble privileges, the laws and liberties, of England, as well as duty and gratitude to the much-injured freeholders of Middlesex, are the powerful motives of my again troubling the House with a question so frequently agitated within these walls, so fully discussed even the last session, although not hitherto followed with the success, which I hope on the present occasion.

The profligacy, venality, and open attempts against liberty by the last House of Commons, have made their memory odious to the people. The annals of our
 country

country are disgraced with their various violations of the rights of the subject. I shall now confine myself to a single case, but it was of the blackest nature, of the deepest dye, and branched out into many enormities, which still demand ample atonement. I allude to the iniquitous and *daring* * resolutions respecting the elections for the county of Middlesex; and the seating Mr. Luttrell in the House, although he had confessedly only a minority of the suffrages of the freeholders, in whom the constitution has placed the right of election. While these resolutions, sir, remain among our records, I consider a precedent established, under the sanction of this House, to rob not only a whole county, but the entire collective body of electors of this kingdom, of their birthright, and most valuable inheritance. It is a precedent; which may be brought home to every borough, city, and county, to every freeholder, every elector in the island.

The facts were fully stated to the House in the debate on this subject the last year, and I am persuaded they live in the memory of every gentleman. I shall desire the Clerk to read only one resolution. It is that of February 17, 1769, “ That John Wilkes, Esq; “ having been, in this session of Parliament, expelled “ this House, *was, and is*, incapable of being elected a

* The Speech of the Speaker, Sir Fletcher Norton, when he reprimanded the Returning Officer of *Shoreham*, *Hugh Roberts*, on his knees.

In vain have our ancestors been anxiously careful to secure the freedom of elections, by all the means human wisdom and foresight could suggest; in vain have they particularly guarded against the partiality of the Returning Officer, and obliged him, by every tie, to a faithful discharge of that trust, which the Constitution hath reposed in his hands, *if men are to be found DARING enough to send members to this House, who WERE NEVER CHOSEN BY THE LEGAL ELECTORS.*

Journals; Feb. 14, 1771, vol. 33, p. 162.

“ member to serve in this present Parliament.” This declaration, in my opinion, transfers from the people to this House the right of election, and by an unbounded, uncontrouled exercise of the *negative* power, the House in effect assume the *positive* right of making whom they please the representatives of the people in Parliament. I am very ready to admit that there are various natural and legal incapacities ; and when the party is subject to any one of them, he is not eligible. Aliens, minors, bishops, are incapable of being elected into a House of Commons. Besides these, there are other incapacities arising from the peculiar circumstances of the case, and some created by particular statutes. Where however there is no natural or legal disability, the capacity of being elected is the inherent right of every freeman of the realm. He cannot be divested of it without an equal injury to the party, and to the constituent, in whom the power is constitutionally lodged of determining whom he thinks the most fit and proper person to act for him in the great council of the nation. The declaration of the House therefore, that any man, duly qualified by law, shall not be allowed to sit in Parliament as a representative of the Commons of the realm, was assuming to themselves the making a new law, to which only the three estates are adequate. It was disfranchising a whole county, and consequently in effect the united kingdom.

The public attention has been so long fixed on this important business, that it would be the weakest and vainest presumption in me to attempt any new arguments in support of a right acknowledged by every man, who is not in a detestable league for the subversion

sion of all our rights, liberties, and franchises. I shall not enter on a dull repetition of the debates, which for the last seven years have come on every session, nor repeat a multitude of cases and precedents; but, while I have a seat in this House, I pledge myself to my country, that I will be firm and unwearied in my endeavours, till every syllable on our Journals, which marks the injustice done to the freeholders of Middlesex, and to every elector in the island, be fully erased or obliterated.

Since the debate, however, on this question in the last session, almost within a fortnight after, a case respecting the election at Abingdon was determined here in a manner diametrically opposite to one part of this pretended law of Parliament, which has been solemnly laid down by all the advocates of the ministry in the affair of Mr. Luttrell. They argued, that all the votes given to Mr. Wilkes were thrown away, because they were given, as they asserted, to a person labouring under a legal incapacity, and consequently Mr. Luttrell, with only 296 freeholders, was entitled to his seat in preference to the other candidate with 1143. The majority of the electors of Middlesex, sir, fully answered this argument in that remarkable *petition* presented by the worthy * baronet near me, on the 29th of April, 1769, in which they asserted, “ that Mr. Luttrell had not a majority of legal votes; “ nor did they, when they voted for Mr. Wilkes, “ mean thereby to throw away their votes, or to wave “ their right of representation, nor would they, by

* Sir George Savile,

Than whom a better senator ne’er held

The helm of Rome, when gowns not arms repell’d

The fierce Epirot, and the African bold.

MILTON.

“ any

“any means, have chosen to be represented by
 “Mr. Luttrell.” Notwithstanding this petition, the
 House on the 8th of May following declared Mr.
 Luttrell duly elected. Now let us examine the still
 more recent case of the Abingdon election, the de-
 termination of the select committee, with all the pro-
 ceedings of the present Parliament in that business.
 I will state them briefly, and shall afterwards desire
 the clerk to read from the Journals the more important
 passages. Mr. Bayley’s petition was presented to this
 House on the 6th of December, 1774. It was con-
 fined to one single objection, the legal disability of the
 other candidate, no accusation of bribery or corrup-
 tion, riots, unfair practices, or illegal votes, being ex-
 hibited. It stated, “that at the place of election, and
 “before the taking of the poll, the mayor of the said
 “borough and the other electors were publicly told,
 “that as the other candidate, Mr. John Mayor, was
 “then high sheriff of that county, he was incapable
 “of being chosen a member to represent the said bo-
 “rough in this present Parliament, and that all votes
 “given for the said high sheriff would be thrown away;
 “notwithstanding which, the mayor of the said bo-
 “rough did himself vote, and also received the votes
 “of divers other persons for the said high sheriff; and
 “that the said high sheriff hath returned himself as
 “duly elected for the said borough, in manifest pre-
 “judice of the petitioner, who, being the only can-
 “didate capable of being elected, ought to have been
 “returned.” The facts, as stated in the petition, were
 admitted, as well as the numbers at the close of the
 poll, for Mr. Mayor 146; for Mr. Bayley only 116.
 The great question was, whether, if Mr. Mayor was
 not

not eligible, the votes for him were thrown away; and Mr. Bayley, who had not the majority of electors, should be declared duly elected? The select-committee, on the 6th of March, 1775, reported, that neither Mr. Mayor, nor Mr. Bayley, was duly elected; and that the election was void. The House immediately directed a new writ to issue for Abingdon. The ministerial advocates, who insisted on Mr. Wilkes's legal incapacity, can scarcely find a case more exactly parallel. It is equalled only by the well known precedent of Mr. Walpole, and Mr. Taylor, in 1711. Yet the burgesses of Lynn were not insulted, by having a gentleman declared their representative, whom they never elected. The Abingdon case was of the most public notoriety. The returning officer, and all the electors of Abingdon, were publicly informed of Mr. Mayor's legal incapacity. Mr. Bayley polled near half the voters of that borough. His opposition however being not to a friend of liberty and the people, but having made the attack on a *subaltern in the ministerial forces*, he had little chance of being an adopted child of the House, or of a committee selected from the present majority.

The arbitrary resolution on our Journals, and the appointment of Mr. Luttrell, I consider as an absolute surrender of the constitution to the minister. The laws of the land are of no avail, when this House alone can make a new law, adapted to the caprice, violence, or injustice of every emergency, and when representation in Parliament no longer depends upon the choice of the electors. The people of England may in vain assemble with the fond hope of effectually exercising their noblest franchise, if the object of their choice is really

really what he ought to be, an independent friend of liberty, superior to menace or corruption. The minister has found out a way to baffle them in all their proceedings. He may, on any pretence, however frivolous; procure an *expulsion*; and *expulsion*, we know; means *incapacitation*; so that during a long period of seven years; the favourite object of a country's choice may be kept out, and the nominee of a minister be declared to represent a populous county. Can there be a more solemn mockery of the rights of a free people?

While such arbitrary resolutions as those respecting the Middlesex elections remain on our Journals, I think the minister holds high the rod of vengeance over the head of every member of this House. He stands here with an uplifted arm, *sublimi flagello*, to punish the refractory, and almost every action of the majority seems to betray their being either swayed by the dastardly passion of fear, or corrupted by the mean principle of reward. We are governed by Solon's plan, *præmio et pœna*, as Cicero has summed it up in three words. Is a member obnoxious or unruly? Accuse him of a libel, or any other crime; then vote away your own privileges to get at him; and, before the cause can come to a trial by a jury of his countrymen *on oath*, examine two or three partial and well-instructed witnesses *under no such sanction*, and you may proceed immediately to expulsion. You then vote him incapable of being re-elected. The creature of the minister is received in his place, and declared a representative of the people. A House of Commons may in this manner be so garbled, as not to contain a single, fair, and honest representative, elected according to the law of the land.

The

The motion of expunging from our records the resolutions of which I complain, is, I know, considered by some gentlemen as a violent measure. The case, I think, requires the most spirited mode of redress. I wish as full atonement to the people as possible. The last Parliament gave us an instance of expunging from our Journals what never ought to have been moved in this House, the thanks to a stupid * tory parson, of the

* Journals of Feb. 25, 1772, Vol. 33, p. 509.

The House was moved, That the Entry in the Votes of the House, of the 31st day of January last, "that the thanks of this House be given to the Reverend Doctor *Nowell*, for the Sermon preached by him yesterday before this House, at St. Margaret's Westminster, and that he be desired to print the same, &c. &c." might be read.

Resolved, That the said Entry be *expunged* from the Votes of this House.

The *tory* fame of the wretched *Dr. Nowell* has lately suffered a total eclipse by a pedantic schoolmaster of Westminster, promoted to the Archbishoprick of York in Dec. 1776, a *Doctor William Markham*. He preached a sermon, all-powerful to *soothe the soul in slumbers*, at Bow Church in the City, Feb. 21, 1777, before the Incorporated Society for the Propagation of the Gospel in foreign parts. In what a meek and winning spirit of *christianity*, of gentleness, patience, and forbearance, does this Minister of the gospel of peace state the nature, and bewail the wickedness, of the deluded *parties* among us? By what tender bonds of love and charity does this *High Priest* endeavour to bring over the noblemen and gentlemen in the *opposition* to the court paths of honour, peace, and perhaps preferment? This *Caiaphas* of York observes, "nothing is too mean for the uses of *parties*, as they are now constituted. *Parties* once had a principle belonging to them, absurd perhaps, and indefensible, but still carrying a notion of duty, by which honest minds might easily be caught. But they are now combinations of individuals, who, instead of being the sons and servants of the community, make a league for advancing their private interests. It is their business to hold high the notion of political honour. I believe and trust it is not injurious to say, that such a bond is no better than that, by which the lowest and wickedest combinations are held together; and that it denotes the last stage of political depravity."

And is really the union in a great national cause of such men as have composed the present *opposition*, and set their names to the spirited *Protests* of the very last session, the Portlands, Richmonds, Devonshires, Manchesters, Rockinghams, Abingdons, Chathams, Shelburnes, Effinghams, Fitzwilliams, Torringtons, &c. &c. and of the Saviles, Cavendishes, Townshends, Johnstones, Glynnys, Wrays, Burkes, Barrés, &c. &c. is such a combination of individuals in the two Houses of Parliament to be considered as a bond no better than that, by which the lowest and wickedest combinations are held together? Are they really no better than the lowest and wickedest combinations of

praters,

the rank Oxford breed, for a libel on the Revolution, and the present establishment, in a sermon preached:

pirates, and banditti? Are they really *no better* than gangs of robbers and highway-men?

Ne sævi, magna sacerdos.

Virgil. Æn. 6. l. 544.

Surely instead of this coarse compliment we might expect a little favour from his Grace, when he assures us, "the apostles themselves, *with all their advantages*," were not easily freed from the entanglement of *popular error*." If the *inspired Apostles* did indeed err, we *uninspired private christians* might expect some indulgence, rather than inquisitorial severity, on account of our *popular errors*. We might charitably expect not to be considered as in a desperate case, in the *last stage of political depravity*. I hope we are not so far lost. *I believe and trust it is injurious to say this.*

This *political sermon* tells us, "*what is assumed upon the present occasion is the glorious nature of LIBERTY. It realizes and secures all the rest; and by those, who are in the enjoyment of it, ought to be maintained at all hazards.*" Have not the Americans on this just ground taken up arms? "*But it remains to be settled.*" Was it not settled by the Revolution? "*Wherein does it consist?*" St. Paul, in the Epistle to the Romans, has answered this question of the Archbishop of York. He makes *liberty, glorious liberty*, consist in being delivered from the *bondage of corruption*, a prayer, which is often made by the people of England for the *High Court of Parliament*. The Apostle says, "because the creature itself also shall be delivered from the *bondage of corruption into the glorious liberty of the children of God.*" chap. viii. ver. 21. The Archbishop goes on, "*I have sometimes thought it a misfortune, that a thing so valuable and important should have no word in our language to express it, except one which goes to every thing that is wild and lawless.*" Does the signification of the word *liberty* really go to every thing that is wild and lawless? Has this learned Prelate, who is so deep in Latin, Greek, Hebrew, the Coptic, Persian, Armenian, Chaldaic, Arabic, Syriac, Phœnician, Palmyrene, Chinese, Gentoo, &c. &c. and above all in the *Erse*, who is himself a perfect *Polyglott*, has he never heard of the English words *licentiousness* and *licence* to express *every thing that is wild and lawless*, as distinguished from *liberty*. Pensioner Johnson's Dictionary would have told him that *licentiousness* is "boundless *liberty*, a contempt of just restraint," He might there have found the authority of *Swift*, who says, "this custom has been always looked upon, by the wisest men, as an effect of *licentiousness*, and not of *liberty*." He would in the same Dictionary have found that "*licence*" "is exorbitant *liberty*, contempt of *legal* and necessary restraint." Milton understood the difference between *liberty* and *licence*, as *Swift* did between *liberty* and *licentiousness*, although the Archbishop of York seems to understand neither. His Grace's idea of *liberty* comprehends every thing that is *wild and lawless*. The monster is of his own creation, and then he comes in a rage, like the *Saturn* of the Heathen mythology, to destroy his own offspring. The *English Homer*, Milton, says, "*Licence* they mean, when they cry *liberty*." No two words ever conveyed more distinct ideas

preached on the anniversary of the merited death of the tyrant, Charles I. If so trifling a business as a foolish sermon, neither heard nor read by a score persons, called for so spirited a measure, can it be deemed improper or violent, when the rights of all the electors of the kingdom have been openly invaded, and the usurpation justified by gentlemen in the highest offices under the crown? The circumstance is truly alarming, and demands the utmost exertions of an honest zeal and generous ardour for the public weal.

I own, that I am not so nice and scrupulous about preserving every line of the immensity of the learned lumber in our Journals. They are become the mere registers of *royal edicts*, of turnpike roads, enclosures, and matters of private business. There are many whole pages disgraceful to the nation among our *trivial, fond records*. My heart bleeds, when I read all the unjust and inhuman resolutions against our fellow-subjects in

ideas. The dullest school-boy in the lowest form at *Westminster* knows the difference. The English *language* is not reproached with poverty, but by those who are ignorant of it.

What a melancholy consideration is it for the rising generation, that an illiberal Priest, one of

The low-born, cell-bred, selfish, servile band, although now promoted to be a general officer in the *sable army* of the ministerial mercenaries of the *Church Militant* in the House of Lords, that such a man should have been preceptor to the children of England, to the Prince of Wales, and Bishop of Osnaburgh? Was a mere *bookworm*, who does not yet know the meaning of the most important word in the language of this free country, who is equally ignorant of the *thing*, and is found stumbling at the very threshold of *liberty*, was such a person fit for such a charge? *The child that is unborn may rue the fatal mistake*. Is the next age likewise to deplore the mischievous errors of the bad education of their prince?

I was really forced to remind his Grace of the great Apostle Paul. May I softly whisper in his ear a few words of St. Peter, because they are a good receipt to cure *magisterial pride and petulance*? *As free, and not using your LIBERTY for a cloak of MALICIOUSNESS—honour all men, love the brotherhood.*

The First Epistle General of Peter, ch. ii. v. 16, 17.

G

America,

America, the fleets and armies voted for the vain attempt of subduing the *unconquerable spirit of liberty* among the descendants of Englishmen. When I reflect on the subsequent proceedings, the barbarous and savage manner in which you have carried on the war, by attempting to starve thousands of industrious fishermen, and labouring poor, with their families, as well as the burning open and defenceless towns and villages ; I wish, for the national humanity and honour, which formerly stood so high, that these black pages of our Journals, and every trace of the cruelties and horrors which followed, were obliterated from the records of this House, of this kingdom, of the human race.

In justice to the usurped and violated rights of this county, in a full sense of duty to all my brother electors at large, and to prevent the most fatal and pernicious precedent being ever used by a wicked and ill-designing minister to the destruction of the sacred right of election, of national freedom, and independency, I move, “ that
 “ the resolution of the House of the 17th of February,
 “ 1769, *that John Wilkes Esq. having been in this session of Parliament expelled this House, was and is, incapable of being elected a Member to serve in this present Parliament,* be expunged from the journals of
 “ this House, as being subversive of the rights of the
 “ whole body of the electors of this kingdom.”

VOTES of October 31, 1776.

Resolved, “ That an humble address be presented
 “ to His Majesty, to return His Majesty the thanks
 “ of this House, for His most gracious Speech from
 “ the Throne :

To assure His Majesty, “ that while we lament
 “ the continuance of the troubles which have so long
 “ distracted His *Colonies in North America*, and of the
 “ calamities and oppressions which our unhappy fel-
 “ low-subjects are still suffering under the arbitrary
 “ tyranny of their leaders, we cannot forbear to ex-
 “ press our detestation and abhorrence of the audacious
 “ and desperate spirit of ambition, which has at last
 “ carried those Leaders so far, as openly to renounce
 “ all allegiance to the Crown, and all political connec-
 “ tion with this country ; and in direct terms to pre-
 “ sume to set up their *rebellious confederacies for Inde-*
 “ *pendent States,*” &c. &c.

Mr. Wilkes said,

Mr. Speaker,

The honourable gentleman*, who spoke last, en-
 deavours to mislead the House. It is certain that no
 pressing has at this time been carried on in the city of
 London, or its liberties. No press-gangs have dared
 to make their appearance in that jurisdiction. Those

* George Wombwell, Esq. Member for Huntingdon.

lawless bands of cruel banditti very prudently chose other scenes of horror and bloodshed, of less danger to themselves. The city has hitherto remained in perfect safety and tranquillity, in a most happy state of security, by the vigilance, intrepidity, and noble love of liberty, which are conspicuous in its present worthy chief magistrate*.

The conduct of Administration, Sir, in the late issuing of press-warrants, before they had tried the operation of the high bounty, is totally unjustifiable. The Speech, now in your hand, Sir, is so very pacific, that the large bounty of five pounds for every able, and fifty shillings for every ordinary, seaman, promised in last Saturday's Gazette, might safely, for a short time at least, have been trusted to, the emergency not being thought by administration very critical. From the minister's own state of public affairs in the Speech, there was no danger in the experiment. Much cruelty and bloodshed had been avoided, many valuable lives preserved.

The affair of Long Island has been misrepresented, and greatly magnified. The superiority of numbers was very considerable. General Howe landed 22,000 men. The provincials had only 6,000 effective men on that island. They were ordered to retreat, and 4,000 did accordingly, without being attacked, embark for the island of New-York. There was a *real mistake of orders* as to the other 2,000, but they acted as brave men always will act under a *mistake of orders*; they *fought*. They saw the enemy, left their entrenchments, and attacked with spirit. From the superiority of numbers, and their flanks being neglected and

* Mr. Sawbridge, Member for London, then Lord Mayor.

unguarded, they were totally defeated. They did not, however, remain *inactive, like cowards*, on an important day of battle. No such imputation can be fixed on *them*. Nothing decisive can follow from the late successful affair against the Americans on Long Island, no more than from the defeat of the British troops at Sullivan's island. New York will probably fall into your hands, but your situation will in that case be scarcely mended since the last year, for you then possessed the capital of North America, Boston. Is that great and important town advantageously exchanged for New York? I forgot that we still likewise possess the fishing hamlet of Halifax.—But, Sir, we ought to take a much larger and more comprehensive view of this interesting scene, which is now fully disclosed.

The important dispute of Great Britain with her colonies has for a considerable time fixed the attention, not only of this nation, but of almost all Europe. The most essential interests of this country, and, indeed, of the greater part of the powers on the continent, are deeply interested in the event. The sacrifice of so much blood and treasure is to every state an object of high importance, but to us, whose empire seems mouldering away, of the nearest concern. I much fear we are now brought by inextricable difficulties to the very verge of destruction.

Since our last meeting, Sir, the scene, with respect to America, has totally changed. Instead of negotiations with various provincial assemblies, instead of deliberating on the most effectual mode of enforcing the parchment declaration of our *constitutional superiority*

riority over our Colonies *, of our *right to bind them in all cases whatsoever*, we must consider if we have *power to bind them in any case*, for we have now a war to

* The late administration came into employment under the mediation of the Duke of Cumberland, July 11, 1765, and was removed, upon a plan settled by the Earl of Chatham, on July 30, 1766, having lasted one year and 25 days.

In that space of time

The distractions of the British Empire were composed by

“The Repeal of the American Stamp-Act,”

But the *constitutional superiority* of Great Britain was preserved by

“The Act for securing the dependance of the Colonies,” &c. &c.

A short Account of a late short Administration.

[published in August 1766.]

The Act, commonly called the *Declaratory Act*, is so much the subject of political dispute, that I shall give it entire from the Statutes at large.

Anno Sexto Georgii III. A. D. 1766.

An Act for the better securing the Dependency of His Majesty's Dominions in America upon the Crown and Parliament of Great Britain.

Whereas several of the Houses of Representatives in His Majesty's Colonies and Plantations in America, have of late, against Law, claimed to themselves, or to the General Assemblies of the same, the sole and exclusive right of imposing Duties and Taxes upon His Majesty's subjects in the said Colonies and Plantations; and have, in pursuance of such claim, passed certain votes, resolutions, and orders, derogatory to the legislative authority of Parliament, and inconsistent with the dependency of the said Colonies and Plantations upon the Crown of Great Britain: May it therefore please your most excellent Majesty, that it may be declared; and be it declared by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that the said Colonies and Plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon, the imperial Crown and Parliament of Great Britain; and that the King's Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons of Great Britain, in Parliament assembled, *had, hath, and of right ought to have, full power and authority to make Laws and Statutes of sufficient force and validity to bind the Colonies and People of America, subjects of the Crown of Great Britain, in all cases whatsoever.*

II. And be it further declared and enacted by the authority aforesaid, That all Resolutions, Votes, Orders, and Proceedings, in any of the said Colonies or Plantations, whereby the power and authority of the Parliament of Great Britain, to make Laws and Statutes as aforesaid, is denied or drawn into question, are, and are hereby declared to be, utterly null and void to all intents and purposes whatsoever.

The *Declaratory Act*, and the *Repeal of the American Stamp-Act*, received the Royal Assent on the same day, March 18, 1766, in the Administration of the Marquis of Rockingham,

carry

‘carry on against the *Free and independent states of America*; a wicked war, which has been occasioned solely by a spirit of violence, injustice, and obstinacy in our ministers, unparalleled in history. In the beginning of September, in the last year *, a very humble and dutiful *Petition* was sent from the congress to his Majesty, in which his Majesty was supplicated “to direct some mode, by which the united applications of his faithful colonists to the throne, in pursuance of their common councils, may be improved into

* The strong desire of peace and reconciliation in the inhabitants of Massachusetts Bay, which has been always considered as the most violent as well as powerful of all the American colonies, even immediately after the *murders* by the King’s troops at Lexington and Concord, on the 19th of April, 1775, is conspicuous in their “Address to the inhabitants of Great Britain.”

In Provincial Congress. Watertown, April 26, 1775.

Friends, and Fellow Subjects,

Hostilities are at length commenced in this colony by the troops under command of General Gage, &c. &c.

These, brethren, are marks of *ministerial* vengeance against this colony, for refusing, with her sister colonies, a submission to slavery; but they *have not yet detached us from our royal sovereign*; we profess to be his loyal and dutiful subjects; and so hardly dealt with as we have been, are still ready with our lives and fortunes to defend his person, family, crown, and dignity; nevertheless, to the persecution and tyranny of his cruel ministry we will not tamely submit; appealing to Heaven for the justice of our cause, *we determine to die or be free*.

We cannot think that the honour, wisdom, and valour of Britons, will suffer them to be longer inactive spectators of measures in which they themselves are so deeply interested; *measures* pursued in opposition to the solemn *Protests* of many noble Lords, and expressed sense of conspicuous *Commons*, whose knowledge and virtue have long characterized them as some of the greatest men in the nation; *measures* executing contrary to the interest, petitions and resolves of many large respectable counties, cities, and boroughs in Great Britain; *measures* highly incompatible with justice, but still pursued with a specious pretence of easing the nation of its burthens; *measures* which, if successful, must end in the ruin and slavery of Britain, as well as the persecuted American colonies.

We sincerely hope that the great Sovereign of the Universe, who hath so often appeared for the English nation, will support you in every rational and manly exertion with these colonies for saving it from ruin, and that, *in a constitutional connection with our mother country, we shall soon be altogether a free and happy people*.

Signed by Order, JOS. WARREN, President.

“ a happy and permanent reconciliation.” There was not a word in the *petition* which did not breathe submission and loyalty, and yet the official answer of Lord Dartmouth, secretary at that time for the American department, after a long deliberation, was to the last degree irritating. It was, *that no answer would be given*; that is, we will not treat, we scorn to negotiate with you, we exact *unconditional submission*. This answer, Sir, in my opinion, might justly be called *indignity and insult*, and in a much higher degree than what the *Speech* says the Americans have offered to England, after all the provocations on our part. It drove the Americans to despair, and, with the violation of our perfidious promises in Lord Hillsborough’s famous official circular letter *, laid the real foundation of their *Declaration of Independency*.

Much

* The Circular Letter of the Earl of Hillsborough, Secretary of State for the Colonies, to all the Governors on the Continent and Islands.

Whitehall, May 13, 1759.

Inclosed I send you the gracious Speech made by the King to his Parliament at the close of the Session on Tuesday last.

What His Majesty is pleased to say in relation to the measures which have been pursued in North America will not escape your notice, as the satisfaction His Majesty expresses in the approbation his Parliament has given to them, and the assurances of their firm support in the prosecution of them, together with his royal opinion of the great advantages that will probably accrue from the concurrence of every branch of the legislature in the resolution of maintaining a due execution of the laws, cannot fail to produce the most salutary effects.

From hence it will be understood, that the whole legislature concur in the opinion adopted by his Majesty’s servants, that no measure ought to be taken which can any way derogate from the legislative authority of Great Britain over the Colonies; but I take upon me to assure you, notwithstanding insinuations to the contrary from men with factious and seditious views, that His Majesty’s present administration have at no time entertained a design to propose to Parliament to lay any further taxes upon America *for the purpose of raising a revenue*, and that it is at present their intention to propose in the next Session of Parliament to take off the duty upon glass, paper, and colours, upon consideration of such duties having been laid contrary to the true principles of commerce.

These

Much has been said, Sir, of the *prophecy* of the ministers, that the Americans would in the end declare themselves *independent*. I give the ministers no credit for such a prophecy. They went on the surest grounds. They might very safely promulgate such a prediction, when they knew that the unjust and sanguinary measures, which they intended to pursue, must bring about the event. They drove the Americans into their present state of *independency*. The Jesuits in France risked nothing when they prophesied in 1610 the death of the best prince that ever reigned in Europe to be within that year. Their's was the *sure word of prophecy*. They employed Ravaillac to assassinate their sovereign.

An honourable gentleman * near me, Sir, attacks the American *Declaration of Independency* in a very peculiar manner. He pronounces it a wretched composition, very ill written, drawn up only with the view to *captivate the people*. That, sir, is the very reason why I approve it most as a composition, as well as a wise, political measure; for *the people* are to decide this great controversy. If they are *captivated* by it, the end is attained. The polished periods, the harmonious, happy expressions, the grace, ease, and elegance of a beautiful diction, which we chiefly admire, very little *captivate* the people of America. Manly, nervous sense they relish, even in the most awkward

These have always been, and still are, the sentiments of his Majesty's present servants, and the principles by which their conduct with respect to America has been governed; and His Majesty relies upon your prudence and fidelity for such an explanation of His measures, as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her Colonies, and to re-establish that mutual confidence and affection upon which the glory and safety of the British empire depend.

* Governor Johnstone, Member for Appleby.

and

and uncouth drefs of language. Whatever compofition produces the effect, which is intended, in the moft forcible manner, is, in my opinion, the beft, and the moft to be approved. *That* mode fhould always be purfued. It has the moft merit, as well as fuccefs, on the great theatre of the world, no lefs than on the ftage, whether you mean to infpire *pity, terror*, or any other paffion.

The honourable * gentleman, Sir, who feconded the addrefs, fays, the American *Declaration of Independency* was *no furprize to him*—nor I believe, Sir, to any man of common reflection, after our hoftilities and cruelties, after the frantic and extravagant career, which adminiftration purfued, with a full chorus of approbation from the majority of this Houfe.

The fpeech in your hand, Sir, which an † honourable gentleman near me has well called *a fpeech of hypocrify*, mentions the “affurances of amity, which his Majefty
“ continues to receive from the feveral courts of Europe.” At the beginning of the laft feffion, the minifter gave us in the King’s fpeech more explicit affurances. It was faid, “I am happy to add, as well from
“ the affurances I have received, as from the general
“ appearance of affairs in Europe, I fee no probability
“ that the meafures, which you may adopt, will be interrupted by difputes from any foreign power.” We have no fuch affurances held out to us this year, that our meafures will not be interrupted by difputes with any foreign power; but we have ftill affurances of amity, which are daily contradicted by the immense preparations of the neighbouring foreign powers, of France

* George Finch Hatton, Efq; Member for Rochefter.

† Governor Johnftone,

and Spain, and indeed of the whole house of Bourbon. The accounts from Naples contain little but the vast preparations making by the king of the Two Sicilies. Are we indeed simple and credulous enough to trust to general vague expressions of politeness, against the clear evidence of facts? Our ministry know very well that an American privateer being lately stopped at Bilboa in Biscay, an express was immediately dispatched to Madrid, which returned with the fullest directions for the release of the privateer, and permission to furnish him with provisions, stores, ammunition, in short, with whatever he wanted. This fact will not be denied. Is Spain then one of the foreign powers, which again soothes us with these honied assurances of amity? Has fate ordained, that we are neither to possess capacity enough to profit by the example of others, nor even by our own experience? In the very first year of the present reign, in September 1761, the Gazette told us, that “the Catholic king had, at no time, been more
 “intent upon cultivating a good correspondence with
 “England, than in the present conjuncture.” This declaration was received seriously here, held out as part of the court creed among us, and laughed at by all the rest of Europe. In the beginning of the following January, without any one new fact having occurred of any moment, war was declared by England against Spain. Will the plausible, smooth-tongued French likewise be able to lull us into a fatal security against the evidence of all history? Can we expect to be treated by them in any other manner than the Spaniards were at the time of the famous revolt of Portugal? The French sent whole regiments, completely officered, into the service of the house of Braganza. They paid
 them

them under-hand the same as their national troops, yet all the while declared their abhorrence of rebellions and of rebels, issuing proclamation after proclamation, and recalling their deserters under the most severe penalties. Sir, there is not a power in Europe, unsubsidized by Great-Britain, which does not wish success to the Americans. We are considered, almost every where on the continent, in the odious light of * tyrants and oppressors.

The speech, Sir, states, that “ if treason be suffered to take root, much mischief must grow from it to the safety of my *loyal* colonies.” Alas! Sir, what we call treason and *rebellion*, and they just resistance and a glorious *revolution*, has *taken root*, a very *deep root* indeed, and has spread over almost all the American colonies. In this very speech, we are told of *their numbers, their wealth, their strength by sea and land*. The *loyal* colonies are three, the *free* provinces thirteen. In laying on the embargo, the exception to the rule is ridiculous enough. It is as thirteen to three. The Gazette says, “ any of my colonies in North America, ex-

* A French gentleman, whose universal genius is no less admired at Petersburg than at Paris, after mentioning some *speeches* in the English House of Commons on American Affairs, writes to his friend at London.

J'en ai aussi fait un, et le voici. “ Messieurs, je ne vous parlerai point de la justice ou de l'injustice de votre conduite. Je sens bien que ce mot n'est que du bruit, quand il s'agit de l'intérêt général. Je pourrais vous parler de vos moyens de réussir; et vous demander si vous êtes assez forts pour jouer le rôle d'oppressors. Cela toucheroit un peu de plus près à la question; cependant je n'en ferai rien. Mais je m'entendrai à vous supplier de jeter les yeux sur les nations qui vous haïssent. Interrogez les; voyez ce qu'elles pensent de vous, et dites moi jusques à quand vous avez résolu de faire rire vos ennemis.”

Il paroît ici un papier qu'on dit être d'un homme important de votre nation. Il paroît par ce papier que le projet secret de la mere patrie, est de faire égorger la moitié des colons, et de requirer le reste à la condition des négres.

“ Nothing surely could be more lamentable to those who remember the flourishing days of this kingdom, than to see the insane joy of several unhappy people, amidst the sad spectacle which our affairs and conduct exhibit to the scorn of Europe.

Burke's Letter to the Sheriffs of Bristol.

“ *cept* the colonies of New-Hampshire, Massachuset’s-
 Bay, Rhode-Island, Connecticut, New-York, New-
 Jersey, Pennsylvania, the three lower countries on Dela-
 ware, Maryland, Virginia, North-Carolina, South-Ca-
 rolina, and Georgia.” Of what other colonies was his
 Majesty in possession *at his accession to the throne*? I think the
 permission extends only to the *three* provinces, which
 we have not yet lost, to the Roman Catholic provinces
 of Canada and Florida, and to Nova Scotia.

We have now been carrying on for two years a sa-
 vage and piratical, as well as an unjust, war. Every
 demand of government has been complied with, and
 yet the great force employed both by sea and land has
 not hitherto recovered a single province of all the con-
 federated colonies. On the contrary, the evil grows
 more desperate *. The last year only twelve colonies
 humbly petitioned the throne. This year, by the ac-
 cession of Georgia, we have seen a federal union of
 thirteen free and powerful provinces asserting their *in-*
dependency as high and mighty states, and setting our
 power at defiance. This was done with circumstances
 of spirit and courage in these *revolted* colonies, to
 which posterity will do justice, for it was directly after
 the safe landing of your whole force. In return you
 plundered their coasts, and set fire to their open towns

* The wise Archbishop of York tell us, “ that we must rely on the *wisdom* of
 “ our governors, in confidence that NECESSITY will at last provide those remedies,
 “ which *forefight* did not.” [*This seems quite a new application of the doctrine of NE-*
 CESSITY.]

Sermon preached in the City before the Society for the Propagation
 of the Gospel in foreign parts.

America is not subdued. Not one unattacked village, which was originally adverse
 throughout that vast continent, has yet submitted from love or terror. You have the
 ground you encamp on; and you have no more. The cantonments of your troops
 and your dominions are exactly of the same extent. You spread *devastation*, but you
 do not enlarge the sphere of authority.

Letter from Edmund Burke, Esq; to the Sheriffs of Bristol, dated April 3,
 1777. Bristol ed. p. 25.

and defenceless villages with a barbarity which disgraces the English name. In the midst of all the cruelties, terrors, and *devastations*, which follow your arms, *for before them is as the garden of Eden, and behind them as the desolate wilderness*, the spirit of the Americans is still unsubdued. I hope, and firmly believe, you never will conquer the free spirit of the descendants of Englishmen, thus exerted in an honest cause. They honour and value the blessings of liberty, and are determined to *live and die freemen* *, notwithstanding the vain efforts of every arbitrary power in Europe. It is a foolish attempt to think of conquering and holding the immense territory of North America, when the whole country is united against us. The minister argues in a trifling manner in the *Speech* on the *decisive good consequences* from events only in the province of New York. They do not prove that we shall subdue Virginia, or either of the Carolinas. Success in two or three battles or sieges cannot conclude for the final success of a war, so extensive already, so greatly complicated.

As to the † *unanimity at home* prophesied of in the *Speech*, the very idea is absurd, because impossible, while the present system of injustice and oppression is pursued. The American war has been declared by several gentlemen in this House to be unjust, and uncon-

* If there be one fact in the world perfectly clear, it is this, "That the disposition of the people of *America* is wholly adverse to [from] any other than a free government." Page 55.

† They are continually boasting of *unanimity*, or calling for it. But before this *unanimity* can be matter either of wish or *congratulation*, we ought to be pretty sure, that we are engaged in a rational pursuit. Phrenzy does not become a slighter distemper on account of the number of those who may be infected with it. Delusion and weakness produce not one mischief the less because they are *universal*.

Letter from Edmund Burke, Esq; to the Sheriffs of Bristol. P. 38.

stitutional in its first principle, and, if persisted in, necessarily to bring on our ruin. We have neither force to conquer, nor strength to maintain such extensive conquests, if we could at present succeed, if we could continue, by every base compliance and sacrifice of national honour, to persuade our ancient open *enemy*, and present false **friend*, France, to wear the political mask of amity, and preserve a precarious peace. France secretly exults, when she sees our brave countrymen turning their victorious swords into their own bowels.

Our situation, sir, is become truly critical. The constitution of this country is at home sapped by bribery and corruption. On the other side the Atlantic it is assailed by violence and force of arms. The too fatal success in this devoted nation is very evident; but in the new world, I trust, as a friend to mankind, that all the despotic measures of a tyrannical administration will prove ineffectual. It cannot be too often held out to ministerial folly and obstinacy, that it is impossible for this island to conquer and hold America. They are determined and united. Your fleets may indeed every year carry horror through all their coasts. Your armies may possess some sea-port towns, but the numerous, and greatly increasing, people of the provinces will retire into the interior parts, of which you have already had some experience. Peaceful towns and villages will cover their fruitful plains, and liberty fix her blest abode among them, the unmolested, happy inha-

* The great Duke of Marlborough, in a letter to Queen Anne, says, "It is not my opinion only, but the opinion of all mankind, that the *friendship* of France must needs be destructive to your Majesty: there being in that court a root of enmity irreconcilable to your Majesty's government, and the religion of these kingdoms."

An Account of the Conduct of the Dowager Duchess of Marlborough, Page 268,

bitants rejoicing that they are *procul à Jove, procul à fulmine*.

I heartily agree, Sir, with the * noble Lord in the amendment proposed; but I go farther, and my opinion is, that if we expect to save the empire, to preserve even for a short period Canada or the West-Indian islands, or to recover any part of the immense territory we have lately lost, we must recall our fleets and armies, immediately repeal all the acts injurious to the Americans passed since 1763, and restore their charters. We may then, *if they will forgive, and can trust us*, treat with them on just, fair, and equal terms, without the idea of compulsion. In this way only can a foundation be laid for the restoration of peace, internal tranquillity, and unity to this *convulsed* † and dismembered empire.

VOTES

* Lord John Cavendish, Member for York.

† Sir William Draper says, "That this country is *convulsed* in every part by anonymous, wicked and incendiary writers." Locke is of opinion, that *oppression* is "the great cause of *civil commotion*," and surely rank, foul acts of *oppression* have been frequent for many years throughout this empire. The Knight of the Bath being himself a fine, a very fine writer, attributes, in my opinion, too much to the influence of fine writing, perhaps even of his own very fine writing, for the body of *the people* are more usefully employed than in the perusal of polite, elegant authors. *The people* do not read very much, nor reason closely on every occasion, but they always *feel* justly. Sir William, having sheathed the bloody sword, and bid

Farewell the neighing steed, and the shrill trump,

The spirit-stirring drum; the ear-piercing fife,

The royal banner, and all quality,

Pride, pomp, and circumstance of glorious war,

Shakspeare.

brandishes the *peaceful* pen, spills oceans of ink, and amuses himself in turning to a delicate ear smooth and melodious periods. He never was the *miles gloriosus*, but a *false modesty* does not make him now conceal the obligation he confers on mankind by his writings, nor content himself with *anonymous* literary applause. Locke *nobly* *penfivè*, regardless of classical praise, intent only on serving mankind, passed his life in deep researches concerning the "Human Understanding," and "Civil Government." He does not quite agree with Sir William. He tells us, "people are
"not

VOTES of February 17, 1777.

The Bill to empower His Majesty to secure and detain persons charged with, or suspected of, the Crime of High Treason, committed in *North America*, or on the High Seas; or of the Crime of Piracy, was read the third time; and an ingrossed Clause was added, by the House, to the Bill, by way of *Ryder*.

Mr. *Wilkes* said,

Mr. Speaker,

I cannot continue silent while the fate of so important a Bill as the present is depending before this House. Administration at first brought in this Bill in a form, which gave a very general and just alarm to the city, to the nation. If it had passed in that form, in my opinion the whole kingdom would have been put under an *interdict of law*. The personal liberty of every man in this island had been precarious and infe-

"not so easily got out of their old forms, as some are apt to suggest. They are
 "hardly to be prevailed with to amend the acknowledged faults in the frame they
 "have been accustomed to. Great mistakes in the ruling parts, many wrong and
 "inconvenient laws, and all the slips of human frailty, will be borne by *the people*
 "without mutiny or murmur. But, if a long train of abuses, prevarications, and ar-
 "tifices, all tending the same way, make the design visible to *the people*, and they
 "cannot but *feel*, what they lie under, and see whither they are going; it is not to
 "be wondered that they should then rouse themselves, and *endeavour to put the rule*
 "into such hands, which may secure to them the ends, for which government was at first
 "erected."

Locke of Civil Government, book II. ch. 19.

H

cure,

cure, depending solely on the will of the minister. The spirit of the Bill in its original state was oppression and tyranny *through every part of the empire*. In this state the Bill has continued *till this day*. By the patriotic zeal of an honourable gentleman of the law *, a clause has just been offered and adopted by way of *Ryder*, as it is called in this stage of the Bill, which gives peace of mind, and security in some degree, to every subject resident in this kingdom, for persons under this description are at length declared not to be the objects of this Bill †. I speak of the clause, Sir, even as
pre-

* John Dunning, Esq. Member for Calne.

† In Mr. Burke's Letter to the Sheriffs of Bristol, it is said, "the main operative regulation of the act is to suspend the common law, and the statute, *Habeas Corpus* (the sole securities either for liberty or justice), with regard to all those who have been out of the realm, or on the high seas, within a given time. The rest of the people, as I understand, are to continue as they stood before.

"I confess, gentlemen, that this appears to me, as bad in the principle, and far worse in its consequences, than an universal suspension of the *Habeas Corpus* act; and the limiting qualification, instead of *taking out the sting*, does, in my humble opinion, *sharpen and envenom* it to a greater degree. Liberty, if I understand it at all, is a *general* principle, and the clear right of all the subjects within the realm, or of none. Partial freedom seems to me a most invidious mode of "slavery." P. 15.

When Mr. Dunning moved the clause of limitation, he said that he meant to *take the sting* out of the Bill as to all the people of Great Britain, whom he justly represented as exceedingly alarmed at the suspension of the Common Law, and the *Habeas Corpus*, at the temporary loss of those bulwarks of the constitution, which Mr. Burke admits to be *the sole securities either for liberty or justice*. The city of London had petitioned the House of Commons on the 14th of February, and declared, that if the Bill should pass into a law, *it would create the greatest uneasiness in the minds of many of His Majesty's good subjects, and tend to excite the most alarming disturbances, &c. &c. therefore earnestly beseeching the House, that the said Bill may not pass into a Law; or at least to take such care as in their wisdom may seem meet, to prevent it from being extended, in its operation or construction, to any of his Majesty's subjects resident in these kingdoms*. The great wish and effort of those gentlemen in opposition, who attended their duty in Parliament, was to have thrown out the Bill, and thereby freed every subject of the empire from the terrors of the arbitrary power proposed to be vested in the present administration. When *that* was found impracticable after repeated trials in every stage of the Bill, they exerted themselves, and
hap-

pretended to be amended by an honourable gentleman
on

happily succeeded in delivering most of the inhabitants of Great Britain, *His Majesty's subjects resident in these kingdoms*, from the fangs of a cruel ministry. To them the nation is indebted for the present peace and security of its capital, of this great seat of empire, of this whole island. Are they now, instead of being thanked, to be harshly told by those, who did not attend their duty in Parliament, that they have done mischief, that so far from *taking out the sting*, they have *sharpened and envenomed it to a greater degree*; that they ought to have suffered so wicked an Act to have been *universal*, and to have extended to Great Britain as well as America? Are they now to be reproached by those, who would not join in the ministerial attack; that the Act is *far worse in its consequences*; when by their generous struggles, and glorious victory, it can have no consequence whatever to the most important part of the empire? Were they to have sacrificed the *sole securities* either for liberty or justice for themselves, for the whole island, to a *speculation*; that *partial freedom was a most invidious mode of slavery*? Mr. Burke judges better for his friends; the two Sheriffs of Bristol. He tells them in this letter, "I never ventured to put your *solid interests* upon *speculative grounds*," p. 48. I have not heard of any answer to this letter from either of the Sheriffs of Bristol, "that *honest well-ordered; virtuous city, a people who preserve more of the original English simplicity, and purity of manners, than perhaps any other*," p. 69, in the words of their Member's *political Creed*. As to the two *Bristol Sheriffs*, ideas of their *solid interests*, I take it for granted that they exactly coincide with those of the *Sheriffs of London*, the Aldermen Plumbe and Thomas. They well know their own *solid interests*, and certainly proceed upon *speculative grounds* essentially different, both in nature and extent, from those of Mr. Burke. Their *speculations* do not extend beyond Exchange-Alley. Mr. Burke's angel genius takes in

The hemisphere of earth in clearest ken.

MILTON.

I will answer for most City Sheriffs, whether of *London or Bristol*; at least for the present *London Sheriffs*, that they attend to their own *solid interests*; and "have never troubled their understandings with *speculations* concerning the unity of empire, and the identity or distinction of legislative powers," p. 54. Their *speculations* however are neither partial, nor narrow. They *speculate* on every thing, on the *Omnium* with wonderful intelligence and sagacity. If they do not beautifully moralize on this frail and feverish being, they calculate with amazing exactness the great uncertainty of *human life*, and the most minute degrees of the probability of its continuance in every object of their *speculations*. Nor are their *speculations* confined to any faction, or influenced by the blind zeal of party. Whigs and Tories, courtiers and patriots, are indifferent to them; as to *life annuities*, and *reversionary payments*. They even wish to unite the tory and whig, the courtier and patriot—in a *joint security*.

But to return to the argument of the *partial* suspension of the *Habeas Corpus*. Is a man voluntarily to submit to the conflagration of his own dwelling-house, because some distant buildings of his are in danger of being burnt? Is a physician to give

on the treasury bench *. His words, however, Sir, *out of the realm*, are too loose and ambiguous, by no means descriptive enough of the persons, who are declared by administration not to be the objects of the

up every idea of preserving the head or the heart, from a belief that such extremities as the hands or the feet are in an alarming state? Is he to endeavour no cure; because he cannot save all his patients? If we cannot bestow the godlike gift of *universal*, we ought surely to give *partial*, freedom. When the minority found it impossible to *redeem from slavery* the whole empire, they saved the most valuable part. They nobly struggled, and succeeded for us on this side the Atlantic. I will trust the sons of America to their own virtue and prowess, by which I have no doubt of their being *finally saved*.

What *mode of slavery*, however, *partial freedom can seem to any man*, I freely own that I do not guess. How *partial freedom* to some can be *the most invidious mode of slavery* to others, is beyond my comprehension. Yet I can conceive *partial freedom* in some may make the loss of liberty more regretted, more sharply felt by others. Among all the different species of *slavery*, under which the insulted race of man has suffered, *partial freedom* has not hitherto been classed, nor did they ever before accord in such friendly, harmonious unison as they are now found by the Sheriffs of Bristol.

Mr. Burke says, "I have not debated against this Bill in its progress through the House; because it would have been vain to oppose, and *impossible to correct it*." Page 18. The Bill, and the Minister, were both well *corrected* by Mr. Dunning. "I cannot conscientiously support what is against my opinion, nor prudently contend with what I *know* is *irrefragable*. Preserving my principles unshaken, I reserve my activity for *rational endeavours*." Page 19. Was the Court faction more determined to carry the *American High Treason*, than the *Civil List Bill*? Was the first *known* by Mr. Burke to be more *irrefragable* than the last? Yet his efforts against the last Bill were great and laudable, although not successful. He did, according to the words of the Preacher, *Ecclesiast. c. vi. v. 10.* nobly contend with him that was mightier than he—the Lord North. It was a *rational endeavour*. Why was not the same *rational endeavour* exerted against the *American High Treason Bill*? Mr. Dunning's *rational endeavour* succeeded, and he need not blush for his political company, p. 70. The preservation of some property in the *Civil List Bill* was surely not a consideration of equal importance with the preservation of personal liberty in the *American High Treason Bill*. There can be but one rule of conduct on these occasions. Watch every opportunity of being useful, at no moment desert the public cause, and of those evils, which you cannot prevent, strive to lessen the magnitude, and correct the malignity; "not that I think it fit for any one to rely too much on his own understanding, or to be filled with a presumption, not becoming a *christian man*, in his own personal stability and rectitude." Page 69.

* Charles Wolfran Cornwall, Esq. Member for Winchelsea, a Lord of the Treasury.

Bill.

Bill. The Bill is professed to relate only to treasons committed in North America by persons actually resident in that quarter of the globe. Gentlemen, however, on a tour of business to Ireland, or of pleasure to France or Flanders, or even on a fishing party on our own coasts beyond low-water mark, are acknowledged to be *out of the realm*, and may be brought within the act, even as it now stands. An opening is still left for public, or private, revenge and oppression to operate. The expression, therefore, ought rather to have been *out of Europe*, than *out of the realm*, if the former words, moved by my honourable friend, *in some or one of His Majesty's colonies before-mentioned, or on the High Seas*, were rejected. But why, Sir, are words so clear and explicit to be changed, unless for some dark purpose, which dares not be avowed?

This new clause, Sir, has happily narrowed the object of the Bill, but in no degree narrowed the proofs, or the nature of the evidence necessary. I shall therefore give the Bill my hearty negative, for I will never consent to encrease the enormous power of the crown at the expence of the freedom of the subject. I will not arm ministers with an unconstitutional power, dangerous to the people. In the preamble to the Bill it is said, "Many persons have been seized and taken, who are expressly charged, or *strongly* suspected of such Treasons and Felonies, and many more such persons may be hereafter *so* seized and taken." In the first enacting clause of the Bill, and throughout, the word *strongly* is omitted, and the slightest suspicion may warrant the commitment. The words are, "All and every person or persons, who have been, or shall hereafter be seized or taken in

“ the act of High Treason, committed in any of His Majesty’s colonies or plantations in America, or on the high seas, or in the act of Piracy, or who are, or shall be charged with, or *suspected of*, the crime of High Treason, committed in any of the said colonies, or on the high seas.” It is therefore apparent, that *a mere pretended suspicion*, or foolish credulity, or determined villainy, in a wretched, ignorant, mercenary tool of a ministerial magistrate, may still render the objects of this Bill, who are the inhabitants of above half the empire, liable to imprisonment. This imprisonment likewise is to be *without bail or mainprize*, for *that* cruelty was still determined to be exercised by the committee, notwithstanding the humane motion of my worthy colleague * to leave out those obnoxious words. There is not a syllable in the Bill of the degree of probability attending the *suspicion*. The Bill, greatly amended as it has been, does not even now require *an oath*, nor that the parties should be heard in their own justification, nor confronted with the witnesses, nor does it mention that *two* witnesses shall be deemed necessary for the colourable ground of a commitment for so high a crime as Treason in America, as the law is in other cases within the kingdom. Is it possible, Sir, to give more despotic powers to a bashaw of the Turkish empire? What security is left for the devoted objects of this Bill against the malice of a prejudiced individual, a wicked magistrate, who, if he is prosecuted afterwards for so flagrant an abuse of power, will certainly be indemnified, probably rewarded by a most arbitrary administration? Actions may indeed be brought against

* Mr. Serjant Glynn, Member for Middlesex.

the offender; but we know all damages recovered, however great, are paid by *the people*, not by the party. Even in the case of *Petit Treason*, by an express act of Edward the Sixth, no person can be convicted, but on the oath of *two sufficient and lawful* witnesses, or confession, *willingly, without violence*; so careful, Sir, were our wise ancestors of protecting the liberty of the meanest subject.

This case, Sir, demands our strictest attention and vigilance from what we daily experience of the conduct of those underling officers of every minister, who traffick and deal out justice, under the colour of legal magistracy. There is now, sir, actually in Newgate an American merchant, named *Ebenezer Smith Plat*, who stands committed so lately as the 23d of last January, *charged with High Treason at Savannah in the colony of Georgia in North America*. He is committed by the well-known Justice Addington, and, as I am informed, was not allowed to see any of the witnesses against him, nor even to hear their affidavits read. He had before been tried on the same charge at Kingston in Jamaica, and acquitted. I never saw him; but I have read an attested copy * of the warrant of his commitment. He is charged generally with *High*

* To the Keeper of His Majesty's Gaol of Newgate, or his Deputy, Middlesex. } These are in His Majesty's name to authorize and require you to
to wit. } receive into your custody the body of *Ebenezer Smith Plat* herewith
sent you, charged before me upon the oaths of Richard Scriven and Samuel Burnet with *High Treason at Savannah in the Colony of Georgia in North America*; and you are to keep him safe until he shall be delivered by due course of law; and for so doing, this shall be your Warrant.

Given under my hand and seal this 23d day of January 1777.

W. ADDINGTON. L. S.

H 4

Treason,

Treason, which I take to be an illegal commitment. I do not pretend, Sir, to a deep knowledge of the law. I have only the attentive reading of a private gentleman. I build my legal faith on some known and approved authorities, a *Blackstone*, a *Burne*, and a very few others. Those authors agree, that every warrant of commitment ought to set forth the cause *specifically*, that is to say, not for treason or felony in general, but for treason in compassing the death of the king, or levying war against His Majesty in the realm, or counterfeiting the king's coin, or felony for stealing the goods of such a one to such a value, and the like. A court may then judge, whether the offence is such, for which a prisoner ought to be admitted to bail. If then a justice living in the capital, under the immediate eye and direction of ministers, is guilty of such an illegal commitment; what is not to be dreaded from the base engines, and slavish tools, of power in the more remote counties? Is it possible, Sir, for too great caution to be used by enforcing in the body of a Bill, which is to suspend the *Habeas Corpus* act, the necessity of an *oath* *, of *two witnesses* to

* The abuse of power in the illegal treatment, which Mr Wilkes experienced in his own person in April 1763, gave additional energy to his reasoning, and pointed every argument. There was no accusation *on oath* against him, either before the first warrant of apprehension, or the commitment to the Tower. *He was not admitted to see any one of his accusers, or witnesses.* His Speech in the House of Commons on the first day of the subsequent Session, Nov. 15, 1763, states the enormity of the proceeding against him so fully, that I shall give it entire.

“ Mr. Speaker,

“ I think it my duty to lay before the House a few facts, which have occurred since our last meeting, because, in my humble opinion, which I shall always submit to this House, the rights of all the Commons of England, and the privileges of Parliament, have in my person been highly violated. I shall at present content myself with
barely

to the charge, and of their being *confronted with the prisoner*?

The case of *Plat*, Sir, gives us an instance of another violation of the law, an evasion of the *Habeas Corpus* act, that *holy* statute, which ministers hold in abhorrence, and are now allowed in England to evade with impu-

barely stating the *facts*, and leave the mode of proceeding to the wisdom of the House.

"On the 30th of April in the morning I was made a prisoner in my own house by some of the King's messengers. I demanded by what authority they forced their way into my room, and was shewn a warrant issued, *without oath*, by Lord Halifax, Secretary of State, in which no person was named in particular, but generally the "authors, printers, and publishers, of a seditious and *treasonable* paper, entitled the *North Briton*, No. 45." The messengers insisted on my going before Lord Halifax; which I absolutely refused, because I knew the warrant was illegal. I applied by my friends to the Court of Common Pleas for a *Habeas Corpus*, which was granted, but as the proper office was not then open, it could not immediately issue. I was afterwards carried by violence before the Earls of Egremont and Halifax, whom I informed of the orders given by the Court of Common Pleas for a *Habeas Corpus*; and when I was ordered into another apartment, I enlarged on this subject a considerable time to Mr. Webb, the Solicitor of the Treasury. *I was confronted with no witnesses, nor did I see any accuser.* I was carried to the Tower by virtue of another warrant, issued likewise *without oath*, which declared me "the author and publisher of "a most infamous and seditious libel, entitled the *North Briton*, No. 45." The word *treasonable* was dropped. I was however with great strictness detained a *close* prisoner, and no person suffered to come near me for almost three days, although my counsel and several friends demanded admittance, in order to concert the means of recovering my liberty. My house was plundered, my bureaux broke open, by order of two of your members, Mr. Wood and Mr. Webb, and all my papers carried away. After six days imprisonment, I was discharged by the unanimous judgement of the Court of Common Pleas, *that the privilege of this House extended to my case.* Notwithstanding this solemn decision of one of the King's superior courts of justice, a few days after I was served with a *Subpœna* upon an Information exhibited against me in the King's Bench. I lost no time in consulting the best books as well as the greatest living authorities; and from the truest judgment I could form, I thought the serving me with a *Subpœna* was another violation of the privilege of Parliament, which I will neither desert nor betray, and therefore I have not yet entered an appearance.

"I now stand in the judgment of the House, submitting with the utmost deference the whole case to their justice and wisdom, and beg leave to add, that if, after this important business has in its full extent been maturely weighed, you shall be of opinion that I am entitled to privilege, I shall then be not only ready, but eagerly desirous to wave that privilege, and to put myself upon a *Jury* of my countrymen."

nity; in America, I fear, to suspend for very near a twelvemonth. The history of it is this. *Plat* was first confined to the *Antelope* for three months, then removed to the *Boreas* for four weeks, then carried on board the *Pallas*, and in her brought in irons to England. On her arrival at Portsmouth he was removed on board the *Centaur* for three weeks, then to the *Barfleur*. On the 4th of January last, an *Habeas Corpus* was obtained, directed to the captain of the *Barfleur*; but before it could be served, an express was sent from the treasury by their solicitor, and *Plat* was removed again to the *Centaur* before the *Habeas Corpus* could arrive at Portsmouth. The return to that *Habeas Corpus* was thus eluded; but on his friends declaring that they were determined to sue out another, *Plat* was at last sent to the capital, and, in the illegal mode which I have stated, committed to Newgate *. I speak, Sir, in the hearing of many gentlemen, who ought to contradict me, if I have advanced a single circumstance not founded in truth. Can ministers, Sir, who are capable of thus trampling on our most sacred laws, be too narrowly watched, too deeply suspected, too strongly guarded against? Do we not owe it to the people, to demand every security from the sanction of an oath, the number of witnesses, the confronting of them with the prisoner, the hearing him in his own justification, and other circumstances, of which not the least

* Mr. *Plat* was returned to the Judges at the Old Bailey, July 2, 1777, as one of the "Middlesex Prisoners upon orders," in the custody of the Keeper of Newgate.
 * No. 22. *Ebenezer Smith Plat*, committed Jan. 23, 1777, by W. Addington, Esq; charged, on oath of Richard Scriven and Samuel Burnet, with High Treason at Savannah in the Colony of Georgia in North America; ordered to remain on his commitment. Was on the 12th day of May taken by *Habeas Corpus* into His Majesty's Court of King's Bench, and remanded.

trace is to be found in this criminal, arbitrary Bill? Is the personal liberty of the subject to rest on the *mere pretended suspicion* of a man, who acts probably under the orders of a professed ministerial agent, ever ready to make his court to power by the sacrifice of public virtue and innocence, whose incapacity perhaps can only be equalled by his meanness and sordid lust of gain?

I regret, Sir, the indecent rage, the extravagant madness, with which every measure, and in particular the Bill in question, has been carried on against the Americans. It precludes every possibility of a reconciliation, so ardently to be wished. All the measures respecting America, and this Bill in particular, as it was at first brought in, bear the strongest marks of a regular system of despotism among our rulers. They originate from the latent, dark all-controlling power of the * man, *who wants wisdom, and holds principles incompatible with freedom.* Let us advert, Sir, for a moment to the dif-

* Mr. Pitt made use of this expression in the House of Commons, speaking of the Earl of Bute. Junius says, "Lord Bute was not of a temper to *relinquish power*, though he *retired from employment*. Stipulations were certainly made between your Grace [the Duke of Bedford] and him, and certainly violated. After two years submission, you thought you had collected a strength sufficient to controul his influence, and that it was your turn to be a tyrant, because you had been a slave. When you found yourself mistaken in your opinion of your gracious master's firmness, disappointment got the better of all your humble discretion, and carried you to an excess of *outrage to his person*, as distant from true spirit, as from all decency and respect."

In a note, Junius adds, "the Ministry having endeavoured to exclude the Dowager out of the Regency Bill, the EARL OF BUTE DETERMINED TO DISMISS THEM. Upon this the Duke of Bedford demanded an audience of the -----, reproached him in plain terms, with his duplicity, baseness, falshood, treachery, and hypocrisy — repeatedly gave him the lie, and left him in convulsions."

Junius, vol. I. p. 171.

When the King came out of the closet, His Majesty appeared in very great agitation, and said to one of his servants, "THE FELLOW has done every thing but strike me."

ference of two cases in point, the *suspicion* only of high treason in America, and the actual charge of it here. A man only *suspected* of high treason in America, for instance, the giving aid or assistance to the Congress, or to any of the King's enemies, may on coming over to England be committed to prison, and by this Bill continue there *without bail or mainprize*, or being able to bring on his trial for near a year, till January 1, 1778, to which time this bill is to continue in force. In this kingdom, a man *suspected*, or even actually charged with High Treason, in conspiring the death of the King, or levying war in the realm, may have an *Habeas Corpus*, and be bailed by the Court of King's Bench. The *suspicion* therefore of American treason seems a deeper crime in the judgment of our present ministers, than an overt-act of English, or more probably *Scotish*, treason, or rebellion against his Majesty's person, title, crown, or dignity. It must be thought, Sir, a deeper crime, because it is more grievously punished. Do we imagine the Americans will not retaliate, or do we vainly hope to intimidate them? Their cause is good, and after all the idle tales of our late visionary successes, the justice of it must in the end prevail. They are now nobly struggling under the sharpest sufferings, but I trust they have steady zeal and unwearied perseverance. In all events, the first moment of a foreign war necessarily obliges us to withdraw our fleets and armies. Every part of North America must then be free and independent. This Bill can only irritate, and will not intimidate. It will probably be answered by a spirited resolution of the Congress—Would to God, Sir, the British Parliament equalled that Congress of Heroes, that more than Roman Senate, in wisdom, in fortitude,

fortitude, in love of their country, in uncorruptedness, in public virtue!

The second enacting clause of the Bill, Sir, impowers “ his Majesty, by warrant under his sign manual, to “ appoint one or more places of confinement, *within “ the realm*, for the custody of such prisoners; and all “ and every magistrate or magistrates, having competent authority in that behalf, are hereby authorised “ to commit such persons as aforesaid to such place or “ places of confinement, so to be appointed instead of “ the common gaol.” This clause may operate in a manner more to be dreaded than any banishment, or confinement *out of the realm*. A power, which may be thus grossly abused, ought not to be trusted without restriction to any man. A person *only suspected*, or pretended to be so, may be doomed to a damp and noxious dungeon, in the midst of putrid marshes, or on the most swampy coast. He may be stifled in a vault, *to whose foul mouth no healthsome air breathes in*. I, Sir, perhaps may *at last* be *suspected*, and possibly it will not be a *slight suspicion*. I have formerly experienced an illegal, *close* *, and rigorous imprisonment in the Tower; but by this Bill I may be sent to the gloomy wastes and deserts of the *North*, to the barbarous Highlands of *Scotland*, or among the savages in the dreary *Isle of Bute*, from whose *birth* I am sure I should never return, even as a traveller, much less as a prisoner. Is this clause ingeniously meant, Sir, as a new mode of re-peopling that ancient *abandoned* kingdom?

Much has been said, Sir, both in the Committee and in the House, about a *Dictator*, and his extensive

* The law of England appoints imprisonment *in custodiam* not *in pœnam*, acknowledges no *close* imprisonment, whereas I was kept with the most extreme rigour.

Algernon Sydney's Apology in the day of his death. Page 173.

powers. Many periods of the *Roman History* have been retailed out to us minutely enough, and they have furnished many parallels. Comparisons between that virtuous republic, and this corrupt monarchy, are generally, in my opinion, more brilliant than solid, more beautiful than just. A Right * Honourable Gentleman under the gallery has just observed that our glorious Deliverer, William III, was a *Dictator* here after the *suspension* of the *Habeas Corpus Act* in his reign. Should the present Bill for the *suspension* of that act pass into a law, I shall regard the noble Lord with the blue ribband as the modern *Dictator* of this great empire, as possessed of the most ample and despotic powers. The first important act of public business in the Roman *Dictator* was to name his coadjutor in office, the *Magister Equitum*, or *General of Horse*. If public gratitude has any weight with the *Dictator here*, I am sure for such an office he will immediately fix his eyes on the noble Lord † at his right hand, who, to his immortal honour, with great and invincible courage, advanced and charged the enemies of our country *at the head of the British horse*. In one particular respecting the *Dictator* of ancient times, I desire to set right a very high Law-Officer ‡ among us. All the Roman magistrates were not, as he says, superseded by that creation. The *Tribunes of the People*, but they alone, preserved their authority, even under a *Dictator*.

It has been said, Sir, by another gentleman, who is likewise in a great Law-Office §, that in this House a

* Right Hon. Henry Seymour Conway, Member for Midhurst.

† Lord George Germaine, in 1759 Lord George Sackville.

‡ Attorney-General, Edward Thurlow, Esq; Member for Tamworth.

§ Solicitor-General, Alexander Wedderburne, Esq; Member for Okehampton.

As for Mr. Wedderburne, there is something about him, which even treachery cannot grasp.

Junius, vol. 2. p. 185.

discontented

discontented party have ridiculously given into a *tone of Prophecy*, which has never been accomplished, and that particularly about a year ago it was the case of the Right Honourable Gentleman who spoke lately under the gallery: It is not, I believe, very parliamentary to quote words spoken in a former debate. But if that member's memory goes to a *prophecy* of one year, which *has not been* fulfilled, he will permit mine a fair excursion to another *Prophecy* of his own, six years ago, which *has been* exactly verified. His *Prophecy* in this House was, that if the violent measures against the Americans were persisted in, the colonies, which formed so great a strength to this kingdom in the reign of George II, would be *dissevered* from the British empire in the reign of George III. No *Prophecy*, Sir, ever received a more perfect accomplishment. This gentleman wonderfully possesses the *second sight* of his native country. How deeply criminal he and others have been in the bringing his *Prophecy* to pass, I hope this House will one day enquire.

A very extraordinary observation of the same gentleman in the present debate, amidst a variety of heterogeneous matter, it is impossible for me not to mention. He has laughed at *universal benevolence*, and endeavoured to demonstrate the impossibility of its existence. But, Sir, he has only given us the narrow, contracted, *selfish* ideas of his own heart, and his own * country. His sentiments and his feelings are confined to a very small insignificant circle indeed. They are merely *Clannish* and *Scotish*. His remarks I saw excited a general

* We must be conversant with the *Scots* in private life, and observe their principles of acting to us, and to each other; — the characteristic prudence, the *selfish* nationality, the indefatigable smile, the persevering assiduity, the everlasting profession of a discreet and moderate resentment.

Junius. Preface, p. 25.

indignation in this House. An Englishman has ideas infinitely more liberal and enlarged. His heart expands itself, and takes in the general good and prosperity of mankind. It feels not the rancour, and disdains the injustice, of such a cruel, persecuting Bill, as the object of this day's debate. It forms the warmest wishes for the liberty and happiness of every individual of this late flourishing empire. *Universal benevolence*, and a generous spirit of humanity, have been no less the characteristics of the inhabitants of the *Southern* parts of this island, than that *good-nature*, for which foreigners have not even a name. I will only add, Sir, that I think the most beautiful sentence of all antiquity is that which was received with such applause by the generous and free Roman people, and an English senate will surely adopt against every measure of oppression and cruelty, *homo sum, humani nihil à me alienum puto*.

VOTES of April 16, 1777:

The House was moved, " That the order made upon
 " Wednesday last, for referring the several Accounts
 " [*respecting the Civil List*] which were then pre-
 " sented to the House, by the Lord North, by His
 " Majesty's Command, to the Committee of the
 " whole House, to whom it was referred to consider
 " further of the Supply granted to his Majesty,"
 might be read.

And the said Order being read accordingly;

A motion was made and the Question being
 put, " That the said order be *discharged*;"

It passed in the Negative.

Mr.

Mr. *Wilkes* said,

Mr. Speaker,

THERE is not a Gentleman in this House, or in the kingdom, more anxious than I am, that the splendor and dignity of the Crown of England should be maintained in its truest lustre, although for above a course of fifteen years I have received from the Crown only a succession of injuries, and never in any moment of my life the slightest favour. I had the honour, Sir, of a seat in this House, when the affair of the Civil List was first agitated in Parliament in the beginning of his present Majesty's reign, when every good subject hoped to have *more than the idea of a Patriot King*. I then acquiesced in the proposed grant. The acceptance of an annuity of 800,000 l. and the giving up to the public the ancient, hereditary revenues of the crown, originated from the Throne. It was proposed to this House in the usual mode by Mr. Legge, then chancellor of the Exchequer. Parliament adopted the proposition, and it was accepted with gratitude by the King. The ministers of that time declared to this House the King's *entire satisfaction*, and that his Majesty should be happy to be delivered from the disagreeable necessity of ever applying to Parliament, like his predecessors, to make good the deficiencies of the Civil List. It was admitted that the allowance was *competent*, ample, most fully adequate to the wants, and even to the splendour of the Crown. Parliament granted all the Sovereign asked, and made the grant in the very mode proposed by the minister. The Civil List Act expressly declares in the preamble, that 800,000l. *per annum*, " was a certain and compe-

“ *tent* revenue for defraying the expences of his Majesty’s Civil Government, and supporting the dignity of the crown of Great Britain.” The nation thought themselves assured of not paying more than 800,000*l. per annum* to the Civil List, and gave that sum cheerfully for the *trappings of royalty*. In the Speech at the close of that session our gracious young Monarch told us from the Throne, that *he could not * sufficiently thank us, and that he thought himself much obliged to us for what more immediately concerned himself*. By this bargain, Sir, with the public it was generally understood, and indeed admitted at that time, that his Majesty would be a gainer of near 7,000*l. per annum*. The noble Lord with the blue ribband has unfairly drawn his calculations from only the *last eight* years of the late King’s reign. He ought to have taken the whole of that reign together. In some years the Civil List was very deficient; in others it greatly exceeded the sum of 800,000*l.* As this is peculiarly a day of dry calculation, I will observe that, from the accounts delivered into Parliament, it appeared, that in the 33 years of George the Second’s reign, from Midsummer 1727 to Midsummer 1760, the Civil List produced only 26,182,981*l.* whereas 800,000*l.* for 33 years, amounts

* The same dull, threadbare, vulgar expression, “ I cannot *sufficiently thank* my *faithful* Commons,” is repeated in the King’s Speech at the end of the last session, June 6, 1777. “ I cannot *sufficiently thank* my *faithful* Commons for the zeal and public spirit with which you have granted the *large and extraordinary supplies*, &c. “ &c.” Will there never be a *sufficiency of money* from his *faithful* Commons to the King, or of *thanks* from the King to his *faithful* Commons? or are they both to proceed *pari passu* till the poor people of this country find their *unfaithful* representatives have given away the very power of giving? The *sufficiency* of 1760 did not *suffice* to 1769. The *sufficiency* of 1769 did not *suffice* to 1777. How long will the *sufficiency* of 1777 *suffice*? When will be the next demand, and of consequence the next grant of money from his *faithful* Commons, and of consequence the next “ I cannot *sufficiently thank* my *faithful* Commons?”

to 26,400,000*l.* so that there is a deficiency of 217,019*l.* The gain therefore on a net revenue of 800,000*l.* is on an average above 6,576*l.* a year. The sum of 800,000*l.* was at that time thought abundantly sufficient to support the splendor of the crown, and the Majesty of this great people. His Majesty has received besides 172,605*l.* the arrears of the late King's Civil List, 100,000*l.* on account of Somerset-house, and an additional grant of 513,511*l.* in the year 1769, to discharge all incumbrances. The death of the Princess Dowager of Wales was a saving of 60,000*l.* a year, and of the Duke of York 12,000*l.* a year. Yet, Sir, we are now told of another debt of 618,340*l.* and called upon to pay that likewise, notwithstanding the *former bargain with the public.* The very proposal implies *another violation of public faith.* Sir, I will venture to say, if we are indeed just trustees for the people, if we conscientiously reflect, that their wealth is intrusted to our care, that we are the guardians of the public purse, we ought to stop this *growing evil*, and reprobate the idea of suffering their money to be thus squandered, as well as the country drained by a variety of taxes. I must add, Sir, taxes imposed to supply a profusion, which arises from a violation of a solemn compact with the nation, and renders the limitation of the expences of the crown by Parliament the most vague and absurd of all propositions. The power of controul of the expences of the crown is the being and life of Parliament. What traces do we now find of the existence of this power? Are the accounts on our table proofs of our boasted *economy*? and is meanness thus nearly allied to prodigality?

There is at present, Sir, a peculiar cruelty in thus endeavouring to fleece the people, when we are involved in a most expensive, as well as unnatural and ruinous, Civil War, and burthened with an enormous load of national debt, the interest of which even we are scarcely able to stand under. Is there no feeling for the sufferings of this impoverished country? *Are the people really nothing in the scale of government?* The principal of the national debt is stated to us at Midsummer 1775 to amount to the astonishing sum of 135,943,051*l.* and the interest to 4,440,821*l.* Is this the time, Sir, that a minister can with an unembarrassed countenance come to Parliament to lay additional loads on an exhausted nation, and to ask more of the people's money? When the greatest sources of our commerce and wealth are destroyed by the folly and wickedness of administration, when we have already spent in this unjust war above nineteen millions, when above half our empire is lost, and those American friends, who have assisted us so frequently and so powerfully, are forced by our injustice to become determined enemies, and for their own safety to endeavour our humiliation, are we at such a moment as this to talk of the greatness of the crown, *a crown shorn of half its beams?* Are we to hear of the happy state of the nation, when we have lost more than we have retained of this divided empire, when new taxes and additional burdens on the people, are the most important objects of government? Is the *Civil List* to increase in proportion to the loss of all those resources of trade and riches, by which it is fed and nourished? Is the nature of the Civil List in the body politic analogous to what Lord Bacon says of the *Spleen*, that it

it increases in proportion to the waste, decay, and rapid consumption of the other parts of the human body?

Sir, we ought to look back to what former Princes and Parliaments have done. I will take the consideration only from the glorious æra of the Revolution, and it shall be stated fairly and fully. The Civil List was not granted to King William for life till the year 1698, when 700,000*l.* a-year was settled on him. The distractions of his government, and of all Europe at that period, are well known. His most generous views for the public were thwarted at home during the greatest part of his reign by the *Tories* *, as the friends of liberty are now harrassed by them in America, according to the late orders of General Washington to the Continental army, and his spirited letters to the Congress. Queen Anne had the same revenue settled upon her. She did not ask the additional sum of 100,000*l.* to her Civil List, but she gave unasked out of it yearly 100,000*l.* towards carrying on the

* His Excellency General Washington strictly forbids all the officers and soldiers of the Continental Army, of the Militia, and all recruiting parties, plundering any person whatsoever, whether *Tories* or others. *The effects of such persons will be applied to public uses in a regular manner*; and it is expected that *humanity and tenderness to women and children will distinguish brave Americans, contending for liberty, from infamous mercenary ravagers, whether British or Hessians.*

Trenton, Jan. 1, 1777.

G. WASHINGTON.

Did any *Monarch* in Europe begin this year with such a glorious act of humanity, and regard to the public, as *Dictator* Washington in America?

“ Greenwich, March 16, 1777.

“ The bearer hereof, Nehemiah Liscome, being an infamous Tory and professed enemy to the United States of America, and consequently having no right to a residence or dwelling on this Continent, is hereby ordered to remove himself immediately to Long Island, &c, &c, &c.

“ By order of Major Gen. Wooster,

“ Jno. Collins Ogden, Aid-de-Camp.”

war, *a war against France*, besides 200,000*l.* at least towards the building of Blenheim-house, and above 100,000*l.* for the support of the poor Palatines. We have a resolution of this House, Sir, on a report from a Committee, which states this very fully. It is on the Journals of May 13, 1715, and in the following words: “ Resolved, that the sum of 700,000*l.* *per annum* was settled upon his late Majesty King William “ during his life, for the support of his Majesty’s “ household, and other his necessary occasions; and, “ at the time of his Majesty’s demise, after the deduction of 3,700*l.* a week, that was applied to the “ public uses, was the produce of the Civil List revenues, that were continued and settled on her late “ Majesty Queen Anne, during her life.” The deduction for public services of 3,700*l.* a week, or 192,400*l.* a year, from that part of the Civil List revenue called the “ Hereditary and Temporary Excise” was first made in the last year of King William. Notwithstanding this deduction, the Civil List Funds produced in that very year 709,420*l.* In the first of Queen Anne the same Funds with the same deductions were settled on her for life, and declared to be for raising 700,000*l.* for the support of her household, and the dignity of her government. In the 9th of her reign the old Post-office act was repealed, and a new General Post-office with higher rates was established, in consideration of which another deduction was made from the Civil List revenue of 700*l.* a week, or 36,400*l.* a year. Both these deductions have ever since been continued.

George I. had the same revenue settled upon him as Queen Anne; but if 300,000*l.* paid him by the Royal Exchange

Exchange and London Assurance Companies, and a million granted in 1726, towards paying his debts, are included, his income will appear to have been nearly 800,000*l. per annum*. In the first speech to his Parliament he took notice, “ That it was his happiness to see a Prince of Wales, who may, in due time, succeed to the throne, and see him blessed with *many* children.” Yet the establishment of the Civil List at the beginning of that reign was only settled at 700,000*l.* a year. It was not till after the great expences consequent on the rebellion of the Earl of Mar, and the other *perjured Scots*, who, although they had taken the oaths to his government, traiterously waged open and impious war against a mild and just Sovereign, that the Parliament paid the King’s debts. In the reign of George I. the Prince of Wales had an establishment of 100,000*l. per annum*.

George II. had a very numerous family, and 800,000*l.* was at first settled upon him, with whatever surplus might arise from the duties and allowances composing the Civil List revenues. In 1736, that part of the hereditary and temporary excise, which consisted of duties on Spirituous Liquors, was taken from the Civil List, in consideration of which 70,000*l.* was transferred to it from the aggregate fund. The income of George II. including 115,000*l.* granted in 1720, and 456,733*l.* in 1747, towards making good the deficiencies, which had arisen in the Civil List duties, was 810,749*l. per annum*, for 33 years. His late Majesty likewise had in his reign a *Scottish* rebellion, carried on by many of the same traitors, who had been pardoned by his father. The expence of that rebellion to the King and kingdom was enormous, for it

was not confined to the extremities of the island, but raged in the heart of the kingdom, and the rebels advanced to within a hundred miles of the capital. Such an event, Sir, *not unforeseen, because foretold*, was a just ground for the Parliament's discharging a debt contracted by securing to us every thing dear to men and Englishmen.

The establishment of the present King, at the yearly rent charge to the nation of 800,000*l.* was a measure at that time equally pleasing both to the Prince and people. The minister boasted that there was not a possibility of any future dispute about the hereditary revenues, or concerning accounts suspected to be false, wilfully erroneous, or deceitful, kept back, or anticipated, to serve a particular purpose. I am aware, Sir, that the Civil List revenues have been increasing for many years. The mean annual produce for the last five years of George II. was 829,150*l.* and for the first six years of his present Majesty, it would have been, had the establishment in the late reign continued, 894,000*l.* In 1775, it would have been 1,019,450*l.* Near 90,000*l.* *per annum* of this great increase has been produced by an increase in the Post-office revenue, occasioned chiefly by the late alteration in the manner of franking, and by the falling in of the cross posts to the public by the death of Mr. Allen; but these profits would probably, at least certainly ought to, have been reserved to the public, had the establishment in the late reign been continued. At the foot of one of the accounts on our table it is stated, "The amount of 800,000*l.* granted to his Majesty from the 25th of October 1760, to the 5th of January 1777, is 12,965,517*l.* 4*s.* 9*d.* $\frac{3}{4}$.
" The

“ The produce as above exceeds the annuity by
 “ 2,381,241l. 9s. 1d. $\frac{3}{4}$. But Parliament granted to
 “ pay off the Civil List debt, on the 5th of Jan. 1769,
 “ *out of the supplies for the year 1769, 513,511l.* which
 “ being deducted shews the gain to the public to be,
 “ 1,867,730l. 9s. 1d. $\frac{3}{4}$.” The bargain concluded
 for the public was of an annuity to the King of a
 clear 800,000l. subject to no deductions, or contingencies for his life, on a solemn promise of that being made to bear all the expences of the Civil List, and the Royal household. It was a fair *compact of finance* between the King and the subject, ratified by both parties. The most explicit assurances were given by the Chancellor of the Exchequer, *in the King's name*, that no more should be asked, and that now his Majesty could never be under the disagreeable necessity of importuning this House with messages of *personal concern*.

I have, Sir, carefully examined the accounts laid before this House, by his Majesty's command, the eight folio books, as well as the other papers. I will venture to say they are as loose, unsatisfactory, perplexed, and unintelligible as those delivered in by the noble Lord with the blue ribband in 1770, *a year after* the former demand to pay the debts on the Civil List. I am, sure, Sir, more loose, unsatisfactory, perplexed, and unintelligible, no accounts can be. Their defectiveness and fallacy is highly culpable. The coming to Parliament at that time with such a demand, but without any account whatever, was an insult to this House, and the now laying before us such accounts as those on the table is a solemn mockery. Many gentlemen in the House declared the last week their
 opinion,

opinion, that, after the strictest examination, they could make nothing of those former accounts. It was not intended they should. . . . One particular only fixed my attention as an individual. Under the head of *secret and special service*, I find that between Oct. 1762, and Oct. 1763, *a most memorable year*, there was issued to *Samuel Martin, Esq.* 41,000*l.* We have indeed, Sir, had a week allowed to go through these accounts; but I will venture to affirm, that a year would not be sufficient to clear them from their studied perplexity, to give order and light to such a chaos. The most able accomptants do not pretend to understand them. They would puzzle a *De Moivre*. Ægyptian darkness hangs over the whole. There is not one friendly ray of light to lead us through this labyrinth.

No account, Sir, whatever is given Parliament of the other considerable revenues of the crown, besides the annuity of 800,000*l.* I do not mean the income of the electorate of Hanover, or Bishopric of Osnabrug, but what his Majesty enjoys as King of England. *That* is a fair consideration with us, when the House are providing for the support of the lustre of the crown, at present, I fear, a little *tarnished*. The extraordinary revenues of the Crown are, the revenue of Ireland, the Duchy of Cornwall, the land revenue within the principality of Wales, the revenue of Gibraltar, American quit-rents, now generally *lost, irredeemably lost*, the Plantation duties of 4*l.* $\frac{1}{2}$ *per cent.* from the Leeward islands, fines, forfeitures, and many other particulars, which certainly carry the Royal income to much above one million a year. We may form some guesses from the grants we find made. From the revenue of the Duchy of Cornwall it appears that 17,000*l.* issued

to Mr. *Bradshaw* in one year, and 11,000*l.* in another. From the 4*l.* $\frac{1}{2}$ *per cent.* in 1769, for his Majesty's *special service*, 14,742*l.* to Sir Grey Cooper. In 1771, John Robinson, Esq. received 10,000*l.* of the Virginian quit-rents, the *last* payment I believe of that nature. Sir Grey Cooper in 1769 received 2,144*l.* from the revenue of Gibraltar; and in 1765 the sum of 13,804*l.* was issued thence for *special service*. Such copious streams must flow from rich and abundant fountains. The Plantation duties of 4*l.* $\frac{1}{2}$ *per cent.* produced, in 1753, the sum of 27,377*l.* Fines and forfeitures are a very considerable addition to the Royal revenue. I was plundered in one year of 1000*l.* by two fines, one of 500*l.* for a pretended libel, and another of the same sum, because I had a *laughable* poem * locked up

* The late Speaker of the House of Commons, Sir John Cust, the weakest as well as the most abject of all ministerial tools even in that House, who, by betraying the rights of the *Commons* expected to become a *Lord*, contrived in conjunction with a Mr. Filmer, Clerk of the *King's Bench* Treasury, to hold out a *laughable* poem to the nation as "*blasphemy*." When Mr. Wilkes was a prisoner at the bar of the House on the 31st of January 1769, he complained of this injustice.

Mr. Speaker,

I am sorry to be obliged by the regard I have to truth, and the vindication of my honour, to take notice in this public manner of an injury repeatedly done me by *you*, Sir, in the *Votes* of this House, published to the nation by *your* authority, and in *your* name. I find it is asserted *three* times, in the *Votes* of last November, that there is a record of "*blasphemy*" against me. I am sure that no such record ever existed. The assertion is entirely void of truth. I am therefore necessitated to make my appeal to the House against *you*, Sir, for having charged me with being convicted of a crime, of which I am innocent, and spread an unjust accusation throughout the kingdom, under the sanction of the *Speaker's* authority. In the *good old Speaker's* [*Onslow's*] time, when any mistake *accidentally*, and *none ever but by accident* THEN appeared in the *Votes*, the error was not only always acknowledged with candour, but speedily rectified. The false charge against me in so unjustifiable a manner still remains on your *Votes* in full force. I feel it, Sir, as I ought; but I submit to the wisdom and justice of this House the mode of reparation of my injured honour.

Journals; Jan 31, 1769, vol. 32. page 169.

Ordered,

up in my bureau, which administration hired a rascal of a servant. * to steal, and then *they* contrived to have *published*.

The

Ordered, That the Entries in the *Votes* of the Titles of the copies of the Records presented to this House upon the 23d day of November last, be so altered, as particularly to express, that the words "for a libel" and for "*blasphemy*," contained in the said Entries, were part of the titles indorsed by the *Officer*, [Mr. Filmer] who presented the said Copies, and no part of the said records; *nor intended to convey any opinion of the House concerning them.*

In the first debate on the Middlesex elections in the present Parliament, Feb. 22, 1775, Charles Van, Esq. Member for Brecon, mentioned this record as for "*blasphemy*." Mr. Wilkes immediately called him to order, and desired the above extracts from the Journals might be read. Mr. Van very ingenuously confessed his mistake.

* *Michael Curry*. Not a printer, nor a printer's devil, would afterwards associate with this fiend. He ran away from the capital, first to Norwich, and afterwards to Bristol, where he delivered the world from one of the most wretched, as well as wicked, of the human race. On the 3d of August 1768, he made an affidavit at the Mansion House before the Lord Mayor Harley, which has been printed in all the papers. He was frequently with the peer, who is commonly called *Jemmy Twitcheb*. In the affidavit he swears, "that when he told his Lordship of the robbery he had committed on his Master, Lord Sandwich answered, *You have saved the nation, and you may depend on any thing that is in my power*; that the inducement to him to commit the robbery was the money offered him, and the large promises from *those in power*." His Lordship was then Secretary of State. The affidavit likewise states, "that Faden, and Haffall, two known ministerial agents, desired him to name any sum, and that he might depend on being supported from any injury he might apprehend, and firmly rely on being protected by *those in power*." Curry was afterwards examined at the Bar of the House of Commons on the 31st of January 1769. He then declared, that he "lived for some time at the house of Philip Carteret Webb, Esq; Secretary to the Treasury, that he was confined there, that Webb sent him to Carrington, one of the King's messengers, who regularly every week supplied him with money, that Webb said he might depend upon being taken care of, that government would take care of him for surrendering the copy, and giving the evidence against Wilkes, that Carrington declared he was *accountable to government* for the money he paid him, that Lord Sandwich told him, *he might depend on any thing in his power*, that he had lost his character, that no one would afterwards employ him, &c. &c."

There was not a man of honour in Europe acquainted with this black transaction, who did not blush for the conduct of the court of England on this occasion. Every liberal idea was sacrificed to a personal pique of the Prince. The infamy of corrupting a servant to rob his master, the baseness of confining a gentleman for a year in prison, and the meanness of picking his pocket of 500*l.* because he had

The business of this day, Sir, is naturally branched out into two parts, both which certainly claim our strict attention. His Majesty's message points them out to us. The first is the outstanding debts, the second the increase of the establishment of the Civil List.

Before we proceed, Sir, to take into consideration the payment of the King's debts, we ought to enquire in what manner they have been contracted. The King has enjoyed ever since his accession the greatest unappropriated revenue of any prince in Europe, and the expences of the whole Royal Family have never exceeded 160,000l. a year. A Committee should be appointed for both the purposes mentioned, and papers very different from those before us ought to be submitted to Parliament. It is impossible for us now to form the

a loose poem locked up in a private closet, had not been known in the most despotic countries, and betrayed a spirit of injustice, revenge, and cruelty. The fittest agent was employed for such a business, *Jemmy Twitcheb*, then Secretary of State, *homo post business natos turpissimus, sceleratissimus, contaminatissimus*. Even Lord Le Despencer, one of the first and most eager court vassals, who vowed *unconditional submission* to the *Thane*, and swore fealty at the shrine of *Bute*, even he condemned the breach of honour and convivial friendship, without the pretext of any injury, or even previous quarrel in his brother peer. At the conclusion of the Secretary's speech in the House of Lords, Lord Le Despencer exclaimed aloud, "that he never before heard the devil preach a sermon against sin."

A great writer observes, that *every man has a right to have poisons in his closet. The crime is in the vending.*

The conduct of Henry IV. of France on the publication in 1605 of the famous libel called *L'Isle des Hermaphrodites*, was worthy of that great King.

Ce petit libel (qui étoit assez bien fait) sous le nom de cette Isle imaginaire, découvroit les mœurs et façons de faire impies et vicieuses de la Cour, faisant voir clairement que la France est maintenant le repaire et l'asyle de tout vice, volupté, et impudence, au lieu que jadis elle étoit une academie honorable et seminaire de vertu. Le Roi le voulut voir et se le fit lire; et encore qu'il le trouvât un peu libre et trop hardi, il se contenta néanmoins d'en apprendre le nom de l'auteur, qui étoit Arthus Thomas, lequel il ne voulut qu'en recherchèât, faisant conscience, disoit-il, de sâcher un homme pour avoir dit la vérité.

Journal du regne de Henri IV. Par M. Pierre de l'Etoile, Grand Audiencier en la Chancellerie de Paris, vol. III. p. 273, 279. Ed. La Haye, 1741.

fligthest

slightest conjecture from these accounts in what way so enormous a debt as 618,340l. has been contracted. It is astonishing that there should remain in cash in the Exchequer on the 5th of Jan. last only 35,640l. The Queen has indeed 50,000l. a year very regularly paid; but the expence of the prince of Wales and the Bishop of Osnaburg is charged from 1769 to 1777 only 42,242l. Prince William Henry and Prince Edward, for the same period, 5,017l. The King's message, Sir, leads us to consider the state of the whole Royal Family. His Majesty has two brothers, universally beloved by the nation. I find no trace of any debts contracted by the crown on their account; no princely grants to either of the King's *own brothers*. As an Englishman I regret the scantiness of their incomes. The Duke of Gloucester seems doomed to pass his life abroad; and it is certainly neither from choice, nor from the ill state of his health. The Duke of Cumberland is happier, and lives in England. He possesses all the virtues, and supports with dignity the rank, of a private, benevolent, amiable Nobleman. His income is by no means adequate to the splendor of a Prince of the Blood, of a Prince of the blood so near to the King as his Majesty's own Brother. How then, Sir, has this enormous debt been contracted? No outward magnificence has dazzled our eyes; no internal, domestic profusion has been imputed to the Lord Steward of the household*, who

* With the greatest unappropriated revenue of any Prince in Europe, have we not seen you reduced to such vile and sordid distresses, as would have conducted any other man to a prison? Is it not notorious that the vast revenues, extorted from the labour and industry of your subjects, and given you to do honour to yourself and to the nation, are dissipated in corrupting their representatives? Junius. Preface, p. 29.

In the debate in the House of Lords on the debts of the Civil List, April 16, 1777, Earl Talbot, Lord Steward of His Majesty's Household, the tear starting from

who almost alone has continued in office this whole reign. We have scarcely the appearance of a Court, even in the capital. Former Kings of England with very inferior revenues were generous and splendid; their courts pompous and brilliant. All princely and royal visitors were lodged in their palaces, and splendidly entertained *. His Majesty's residence at Windsor the last summer did not quite revive all the ideas of the magnificence, and even hospitality, of the Plantagenets, nor efface all the glories of our Henries and Edwards. No stately buildings, or proud palaces, no *imperial works, and worthy Kings*, have excited the public wonder, or called foreigners from the continent to our island to admire the royal taste and magnificence. An honourable gentleman †, Sir, tells us of the King's *houses*. The former Kings of England, Sir, lived in *palaces*, not in *houses*. His Majesty has *not yet* had a *Scottish* rebellion to quell. The Royal revenues have not been expended *against the Scots*, but surrendered *to them*; an idea little suspected by the people of England, when they gave at first with such a liberal, and even prodigal hand. How then, Sir, has this debt been contracted? There are no *outward and visible* signs of grandeur and expence. I will tell the House what is said without doors, what the nation suspects, and therefore it becomes our duty to

from his eye, told many a piteous tale of the distresses of the royal household, kitchen, and stables, of half-starved nurses, skullions, and grooms. His Lordship said, "he would finish those scenes of *unutterable woe* with a fact, which had happened very lately. The King's coal-merchant declared, that he was so distressed "for money, *he was ready to turn his Majesty off*."

* When the King's Sister, the Princess of Brunswick, paid the last visit to the Court of England, Her Royal Highness was in *ready-furnished lodgings* in Pall Mall.

† Sir Grey Cooper, Bart. Member for Saltash, Joint Secretary to the Treasury.

investigate.

investigate. The nation, Sir, suspects, that the regular,, ministerial majorities in Parliament are bought by these very grants; that in one instance we attend to the evangelical precept, *give, and it shall be given unto you*, and that the Crown has made a purchase of this House with the money of the people. Hence the ready, tame, and servile compliance to every Royal edict issued by the Minister. Inward *corruption* * is the canker, which gnaws the vitals of Parliament. It is almost universally believed, Sir, that the debt has been contracted in corrupting the Representatives of the people, and that this public plunder has been divided among the majority of this House, which is allowed to be the most corrupt assembly in Europe, while the honest and fair creditors of the Crown have been reduced to the greatest distress. Compassion to them is only made the pretext of the present message. This, Sir, is a fit object of parliamentary enquiry.

* Other princes, besides his Majesty, have had the means of *corruption* within their reach, but they have used it with moderation. In former times *corruption* was considered as a foreign auxiliary to government, and only called in upon extraordinary emergencies. The unfeigned piety, and sanctified religion of *George the Third* have taught him to new-model the civil forces of the state. The natural resources of the Crown are no longer confided in. *Corruption* glitters in the van;—collects and maintains a standing army of mercenaries, and, at the same moment, impoverishes and enslaves the country.—His Majesty's predecessors (except that worthy family, from which you, my Lord, [the Duke of Grafton] are unquestionably descended) had some generous qualities in their composition, with vices, I confess, or frailties in abundance. They were Kings, or gentlemen, not hypocrites or priests. They were at the head of the church, but did not know the value of their office. They said their prayers without ceremony, and had too little priestcraft in their understanding, to reconcile the sanctimonious forms of religion with the utter destruction of the morality of their people.—My Lord, this is fact, not declamation.—With all your partiality to the house of *Stuart*, you must confess, that even *Charles the Second* would have blushed at those eager, meretricious caresses, with which every species of private vice and public prostitution is received at *St. James's*.

Junius, vol. II. pages 249, 250.

The

The alarm has spread through the country. The charge is taken up by almost every independent man in the kingdom. It is asked, Did the last parliamentary grant of 513,511*l.* so lately as 1769, to pay the King's debts, give satisfaction to the honest tradesmen and inferior dependents of the crown, or was it diverted another way? The majority of this House, Sir, ought not to lie under this suspicion, nor will they, if they are innocent. They ought likewise to vindicate the honour of our Sovereign from the foul suspicions which are gone abroad on this subject. A heavier accusation can scarcely be brought. Mr. Locke, Sir, in his chapter on the *Dissolution of Government*, says, “ He (the supreme Executor) *acts contrary to his trust, when he either employs the force, treasure, and offices of the society, to corrupt the representatives, and gain them to his purposes, or openly pre-engages the electors, and prescribes to their choice, such, whom he has by solicitations, threats, promises, or otherwise, won to his designs; and employs them to bring in such who have promised before-hand what to vote, and what to enact.*” What, Sir, was the case of *Hine's Patent Place* in the collection of the customs at Exeter, publicly sold, and the money given, not to a needy public, but to *General Burgoyne*, to reimburse him the expences of the *Preston* election, and the subsequent prosecution and fine of 1000*l.* by a court of law, for the outrages committed in Lancashire against the sacred rights of election? *That* instance alone merited an impeachment from parliament against the profligate minister * of that day.

If

* *The Duke of Grafton.*

Junius addresses his Grace in terms almost of inspiration. “ Your cheek turns pale; for a guilty conscience tells you, you are undone.—Come forward, thou virtuous minister,

If there is, Sir, a spark of virtue left among us, we cannot sit down contented with such loose general accounts, that *secret and special service, the Privy Purse,*

minister, and tell the world by what interest *Mr. Hine* has been recommended to so extraordinary a mark of his Majesty's favour: what was the price of the patent he has bought, and to what honourable purpose the purchase money has been applied. Nothing less than many thousands could pay Colonel Burgoyne's expences at Preston." Junius, vol II. p. 21.

No sale by the candle was ever conducted with greater formality.—I affirm that the price, at which the place was knocked down (and which, I have good reason to think, was not less than 3,500 l.) was, *with your connivance and consent*, paid to Colonel Burgoyne, to reward him, I presume, for the decency of his deportment at Preston. Page 23.

Mr. Taylor and George Ross (the Scotch agent and worthy confidante of Lord Mansfield) managed the business. Page 24.

The chaste *Duke of Grafton* had commenced a prosecution against *Mr. Samuel Vaughan*, for endeavouring to corrupt his integrity by an offer of 5000l. for a patent place in Jamaica. A rule to shew cause, why an information should not be exhibited against Vaughan for certain misdemeanours, being granted by the Court of King's Bench, the matter was solemnly argued on the 27th of November, 1769, and, by the unanimous opinion of the four judges, the rule was made absolute. The pleadings and speeches were accurately taken in short-hand, and published. The whole of Lord Mansfield's Speech, and particularly the following extracts from it, deserve the reader's attention. "A practice of the kind complained of here is certainly dishonourable and scandalous.—If a man, standing under the relation of an officer under the King, or of a person in whom the King puts confidence, or of a minister, takes money for the use of that confidence the King puts in him, he basely betrays the King,—he betrays his trust.—If the King sold the office, it would be acting contrary to the trust the constitution hath reposed in him. The constitution does not intend the Crown should sell those offices, to raise a revenue out of them.—Is it possible to hesitate, whether this would not be criminal in the Duke of Grafton;—contrary to his duty as a privy-counsellor;—contrary to his duty as a minister;—contrary to his duty as a subject.—His advice should be free according to his judgment;—it is the duty of his office;—he has sworn to it." Notwithstanding all this, the chaste *Duke of Grafton* certainly sold a patent place to Mr. Hine, for 3,500l. and, for so doing, is now Lord Privy Seal to the chaste George, with whose piety we are perpetually deafened. If the House of Commons had done their duty, and impeached the black Duke for this most infamous breach of trust, how woefully must *poor, honest Mansfield* have been puzzled! His embarrassment would have afforded the most ridiculous scene, that ever was exhibited. To save the worthy judge from this perplexity, and the no less worthy Duke from impeachment, the prosecution against *Vaughan* was immediately dropped upon my discovery and publication of the Duke's treachery. The suffering this charge to pass, without any enquiry, fixes shameful prostitution upon the face of the House of Commons more strongly than ever the Middlesex election.

Junius, vol. II. p. 27.

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*the Treasurer of the chamber, the Cofferer of the Household, Royal bounties, pensions and annuities, swallow up almost the whole Civil List. There is a general charge of pensions to the amount of 438,000l. The * Pension List*

* The Duke of Grafton during his administration carried the *Pension List* to the extreme of infamy. Junius asks, "Has not Sir John Moore a pension of 500l. a year?—This may probably be an acquittal of favours upon the turf; but is it possible to offer a grosser outrage to a nation, which has so very lately cleared away the beggary of the Civil List, at the expence of more than half a million?" Junius, vol. I. p. 89.

"If a late pension to a broken gambler [Sir John Moore] be an act worthy of commendation, the Duke of Grafton's connections will furnish him with many opportunities of doing praise-worthy actions. P. 95.

The pension of 1,200l. a year to Paoli can be accounted for only two ways, either by the courtly principle now established among us, of giving applause and assistance to all those, who have betrayed the public liberty, from the King of Sweden to the late General of the Corsicans, or as hush-money to conceal the share of our court in the sacrifice of Corsica to France. When Baron Van Swieten, the late Minister from the Empress Queen to the King of Prussia, was in London, he saw and conversed with Paoli. The Corsican lamented, that in the late war against France *he could not be present every where in his island in every action*. The Baron replied, *that is no reason for your doing nothing where you were*. The pension then ought to have been given him by France, not by England. "Le Compte de Grandmaison prit le village d'Olmetta, d'où le Général Paoli s'étoit enſuit des le premier ébranlement des troupes." Histoire des Révolutions de Corse. Par M. l'Abbé de Germanes. Paris, vol. III. p. 65. "Il manquoit totalement de cette bravoure, le soutien des états naissans; et si nécessaire vis-a-vis d'une nation belliqueuse, qu'elle ne peut être suppliée par aucune autre qualité. On ne l'a vu dans aucune action à la tête de ses compatriotes. Il se tenoit toujours en arrière, et ne manquoit pas d'être le premier à faire retraite dès qu'il voyoit le succès douteux," vol. II. p. 188. "Paoli ignorant la victoire fuyoit d'une coté, tandis que nous nous retirions de l'autre." vol. III. p. 95; There is a remarkable appearance of candour and impartiality in this history. The Abbé received the solemn thanks of the states of Corsica for the two first volumes. "Il fut arrêté, que l'on ecriroit, au nom des Etats à M. l'Abbé Germanes une lettre de remerciement sur les peines et soins qu'il avoit pris;" &c. &c. "Paoli tout éperdu, laissa, pour se sauver à travers les rochers, son cheval et son portfeuille à Murato," p. 132. "Le Général Paoli---se hata de quitter sa patrie laissant Abattucci à la tête des Nationaux qui tenoient encore les armes; il se sauva de Bastica sur Quinza, et delà se rendit à Porto Vecchio avec Clément son frere, quelques autres chefs, et une centaine de Corſes attachés à sa personne, ou à ses richesses," vol. III. p. 148. "l'envie de perpétuer son gouvernement fut la première raison d'état, et il préféra toujours sa grandeur personnelle à la liberté

List is the great grievance. From 1769 to 1777, there is a single line of 171,000*l.* *secret and special* service, issued to Sir Grey Cooper. In the same period, under the same article, 114,000*l.* to * John Robinson, Esq; exclusive of enormous sums on the same heads to the Secretaries of State, and the Secretary of the Post-office, generally in one short, single line. When we know, Sir, what prosecutions have been carried on, a loose article of 60,000*l.* in one year, as *law charges*, ought to alarm us no less for the liberty of the Press, than for the private property of individuals against unfounded claims of the crown. We have seen the cruel invasion of both in this reign. Under the head of *Contingencies of divers natures*, we are lost and bewildered

“ *de sa nation---il étoit beaucoup moins capitaine que politique. Au défaut de bravoure, il substituoit l'art d'en montrer. Feignant de chercher le peril au commencement d'une action, il trouvoit toujours des amis discrets, qui arrétoient son ardeur---quoique timide dans le combat, il étoit hardi dans le conseil, et ferme dans ses projets---si ne pouvant plus maintenir son pays dans la liberté dont il pretendoit être le restaurateur, il fût mort les armes à la main à la tête de ses compatriotes, il passeroit pour un héros.*” p. 48. Such is the judgement passed by a French Abbé on a republican General? What was the glorious answer of the young Nassau, afterwards our great *Deliverer*, to some courtiers of Charles II, who in the desperate situation of Holland from the conquests of Louis XIV. advised him to accept the splendid offer of being Sovereign of the Provinces under the protection of England and France? The hero replied, *I will not survive the liberties of my country. I will die on the last dyke.* Paoli ought to have died, *sword in band*, on the last *free* mountain of Corsica. But he now vegetates ingloriously in a foreign country, and, as *Plautus* happily expresses it, *in munditiis, mollitiis, deliciisque ætatulam agit.* He attends regularly, bows low, and smiles eternally, at the levee of a *King*, by whom he is again most graciously smiled upon, caressed and *pensioned*. With the spoils of his enslaved country, and an English *pension*, this *brave, firm, fierce, independent* republican crouches at a *court*, and consoles himself, far from those *evil guns*, in a drawing room, in a sweet intercourse of bows and smiles with the ribbanded and titled slaves of power, under the contempt of all Europe. The *pension* was given him, at the intercession of Lord George Germaine, in the administration of the Duke of Grafton. His treachery recommended him to the Duke: a similitude of character and conduct naturally captivated the heart of *Germanicus*.

* Member for Harwich, Joint Secretary to the Treasury with Sir Grey Cooper.

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by a rambling account, in which it is impossible to guess the least particular. We find *Messrs. Amyand and Siebel* receive 38,692l. to pay bills of Exchange; and in another line, *Thomas Pratt, Esq;* 8,139l. to pay another bill of Exchange. For what national purpose, or public service? Such accounts, Sir, are only calculated for such a servile Parliament. *Pensions, annuities, and royal bounties*, shall with much caution be touched by me even in this House. One word only I shall mention of *literary patronage*, because it seems to be a favorite subject. We are, Sir, hourly told, that genius and learning are now fostered by the propitious beams of royal favour, and all the polite arts encouraged and patronized. The two famous Doctors * *Shebbeare* and *Johnson*,

* Dr. Shebbeare was tried in 1758 for printing and publishing "A Sixth Letter to the People of England." The Information was exhibited by Lord Camden, when Attorney General. It stated, that the libel "tended to traduce the *Revolution*, and to represent it as the foundation of all those imaginary evils and calamities, which he, the said Defendant, would falsely insinuate the subjects of this kingdom did labour under; and also to asperse the memory of King William III, and of George I, &c. and also to asperse, scandalize, and vilify King George II, &c. and to insinuate that King George II. had no concern for the people of England, nor any regard for the interest, honour, or welfare of this kingdom." Another charge was omitted by the Attorney General Mr. Pratt, from a motive of delicacy, for Dr. Shebbeare had *bastardized* the whole royal family in the "Sixth Letter to the People of England." It was published in the time of the late war with France. A jury found the Doctor guilty. He was fined, pilloried, and imprisoned. Lord Mansfield, who tried the cause, declared, that the "*Sixth Letter to the People of England*" *approached the nearest to High Treason, without actually committing it, of any paper he ever read.* His Lordship's nice, exquisite judgement in such a matter cannot be controverted. The family connection with his own brother, Lord Dunbar, the late *Pretender's confidential secretary*, his early studies at Oxford, the whole cast and colour of his life, make his opinion of value, his testimony unquestionable. In a letter addressed to his Lordship, *Junius* says, "In your earlier days you were but little infected with the *prudence* of your country; you had some original attachments, which you took every proper opportunity to acknowledge. The liberal spirit of youth prevailed over your native discretion. Your zeal in the cause of an unhappy prince was expressed with the sincerity of wine, and some of the solemnities of religion."

Johnson *, are in this reign the *state hirelings* called pensioners. The piety of our Sovereign to the memory of his *grandfather*, as well as gratitude to our glorious *Deliverer*, should surely, Sir, have prevented the names of these two Doctors from disgracing a Civil List, which both of them had repeatedly and publicly declared the King's family had no right to, but ought to be considered as a flagrant usurpation. These two Doctors have in their writings treated the late King, and King William, with the utmost virulence and scurrility, and they are the known *pensioned* advocates of despotism. The two other instances are ridiculous enough. David Hume was pensioned in this *pious* reign for attacking the Christian religion, and Dr. Beattie for answering him. In this manner is the public treasure lavished; but these, I own, are mean objects, and of trifling concern. The great mass of the debt remains unaccounted for, and is suspected to be contracted for the most criminal purposes. It is ne-

"religion." In a note to this passage *Junius* adds, about Lord Mansfield, "This man was always a rank Jacobite. Lord Ravensworth produced the most satisfactory evidence of his having frequently drunk the Pretender's health upon his knees."

Dr. Shebbeare's character is admirably drawn by the author of the "Heroic Epistle to Sir William Chambers."

Wretch! that from slander's filth art ever gleaming,
Spite without spirit, malice without meaning;
The same abusive, base, abandoned thing,
When pilloried, or *pensioned* by a king.

* *Pension*, n. s. [*pension*, Fr.] An allowance made to any one without an equivalent. In England it is generally understood to mean pay given to a *state hireling* for treason to his country.

Pensioner, n. s. [from *pension*] 1. One who is supported by an allowance paid at the will of another; a dependant.

2. A slave of state hired by a stipend to obey his master.

A Dictionary of the English Language, in 2 vols. fol. by
Dr. Samuel Johnson.

Vide Dr. Johnson's *False Alarm*, and all his political tracts.

cessary.

cessary to satisfy the people that the enquiry should be made, and therefore I hope the House will instruct the committee to that purpose.

Let me now, Sir, suppose, that parliament acquiesces with the present claim, what chearful ray of future hope have we to comfort us that future demands will not succeed? Will this be the last court job, even of the present minister? No assurances whatever are given, not a hint of *æconomy*, or frugal management, or the least care of the public treasure in future. Surely such a mode of proceeding is highly unbecoming, indecent, and contemptuous.

May I, Sir, pass the invidious streights of Calais, and consider the state of the neighbouring monarchy with respect to the king's household and debts? By two new edicts for the regulation of the French King's household expences, pensions, and royal bounties, all arrears are to be discharged within six years, and a fixed resolution is declared *pour concilier avec une sage économie les dépenses que l'éclat de sa couronne peut exiger*. From the first of last January all future expences whatever respecting the household are to be paid in the course of the current year. The very first article is, "l'année révolue de toutes les dépenses de la maison du Roi, tant par enterprises que par fournitures, sera à l'avenir payée comptant au Trésor Roial, dans le courant de l'année suivante, à raison d'un douzieme par mois." Would to God, Sir, such a spirit of justice and reformation crossed the channel to this capital! We, alas! have not a gleam of hope of any reformation. The French King, Sir, has likewise two brothers, Monsieur, and the Comte d'Artois. They have found in their sovereign an af-

fectionate and generous brother, not a gloomy tyrant, like — * Louis the XIth. They are an united and happy family. What the King has given them in important grants, and *en apanage*, as it is called, enables them to support with eclat their high rank. The new regulations of the French King's household expences and debts are founded in justice, and occasion no extraordinary burden to his people. The *first* Prince of the Hanover line observed the same conduct; for the message of George I. to this House, of July 11, 1721, is, "that being resolved to cause a *retrenchment* to be made of his Civil List expences for the future, and finding that such a *retrenchment* cannot well be effected without discharging the present arrears, his Majesty has ordered the accounts thereof to be laid before the House, and hopes he may be empowered to raise ready money for that purpose, on the Civil List revenues; which, *to avoid the laying any new burden on his people*, his Majesty proposes shall be re-placed to the Civil List, and re-imbursed by a deduction to be made out of the salaries and wages of all offices, and the pensions, and other payments, from the crown." The venal parliament of 1769 gave the money *out of the current expences of the year*, without a single line of any account.

When we are repeatedly told, Sir, of the present splendour of the British diadem, of the extent of our

* Mezeray, historiographer of France, says, "Comines nous le [Louis XI]. depeint *furieux, jaloux de sa puissance, très absolu dans ses volontés, qui ne pardonnoit point, qui a terriblement foulé ses sujets, et avec cela le meilleur des Princes [the best of Kings] de son tems. QUELS POUVOIENT ETRE LES AUTRES?*"

Abregé Chronologique de l'Histoire de France, par le Sieur de Mezeray, historiographe de France. Vol. VII. p. 212. Ed. Amsterdam, 1755.

empire, and the *greatness* of our sovereign, I own that the *diminished rays* of the crown occur to my painful imagination. I am not dazzled, but mortified. It brings to my recollection what was said of Philip the IVth of Spain, when Louis XIV. was taking all the towns, one after another, in the Netherlands, “ *Sa grandeur ressemble à celle des fossés, qui deviennent grands à proportion des terres, qu’on leur ôte.*”

The * noble lord near me has said, that he wished a strict review of the whole establishment of the crown, as to the Civil List. I perfectly approve the idea. Almost the whole requires a new regulation. I think the judges in particular ought not to be paid out of the civil list, but by the public. They cannot be now displaced, but they may be starved by the crown. The spirit of their independence ought to extend as well to their salaries, as to their commissions. I observe, Sir, in the Civil List accounts on the table, an article, “ Lord Howe and Sir William Howe Commissioners, “ *for restoring peace in America* 100l. per week each, ar- “ *rears* 1,742l.” The noble Lord with the blue ribband has just called them *Ambassadors*. Have we then already acknowledged the *United Colonies* of America as a sovereign state, like the *United Provinces* of Holland? If we have not, that event must happen. The *peaceful* mode adopted by the brothers, according to my calculation, will not soon *restore peace in America*. It may possibly be the period of the Trojan war, ten years at least, so that the nation may compliment the *Howe* family with above one hundred thousand pounds free gift, at the rate of 100l. *per week* each brother, besides the

* Lord John Cavendish, Member for York.

settled pay and perquisites, as officers. But, Sir, what connection has such an article as this with the Civil List, with his Majesty's household?

Let us not now, Sir, rashly proceed in the iniquitous method of deciding on these two important questions, the expenditure, and the increase of the Civil List, without hearing the evidence, or hearing it only in part. We have not sufficient *Data* to proceed. By such injustice we lost America. We proscribed the inhabitants of Boston without hearing them, and in the same manner adopted coercive and sanguinary measures against the other colonies. Let us not now advance a single step but with caution, with fear and trembling. We are asked to furnish the ministers with weapons, which may be employed to our destruction, against the liberties of our own country. An increased undue influence must necessarily be created, and the overgrown power of the Crown enlarged. Ministers only want what are called *the sinews of war*. The doctrine is now avowed of the legality of introducing foreign troops into the British dominions. The minister has the power of the sword, when we give him that of the purse. How many nations have totally lost their liberties by internal corruption, and by mercenary armies? There is an affected *false alarm* about faction and civil discord, disturbances and * insurrections; but it is well known, that civil dissensions have often among us been even favourable to freedom. Montesquieu observes of England, “ *On voit la liberté sortir sans cesse des feux de la*

* *Wise and good Kings*, being taught by reason and experience, that nations delight in the peace and justice of a good government, will never fear a *general insurrection*, whilst they take care it be rightly administered, and *find themselves by this means to be safe*.
Algernon Sydney, page 417.

“ *discorde et de la sédition, le Prince toujours chancelant*
 “ *sur un trône inébranlable.*”

I desire, Sir, to submit to the noble Lord near me, whether, in point of form and precedent, instead of *discharging* the order for referring the King's message to the committee of supply, which his Lordship has moved, it would not be more proper to instruct the committee on the two important points of the message, the paying his Majesty's debts, and the addition to the standing revenue of the Crown. If his Lordship and the House adopt that mode, I shall then move, “ That
 “ it be an instruction to the said committee, that, be-
 “ fore they proceed to consider of his Majesty's most
 “ gracious message, they do consider of the causes of
 “ the debts due on account of the Civil List, and like-
 “ wise what further provision may be necessary to sup-
 “ port the splendor and dignity of the Crown of Great-
 “ Britain.”

VOTES of Feb. 21, 1777.

A Petition of the *Trustees of the British Museum* was brought up and read.

Ordered, That the said Petition be referred to the consideration of a Committee of the whole House.

VOTES of April 28, 1777.

Ordered, “ That the Account of Annual Expence
 “ and Income of *The British Museum*, from the first of
 “ January 1768, to the 31st of December 1776, be re-
 “ ferred to the said Committee [*to consider further of*
 “ *the Supply granted to His Majesty*].”

Mr. Wilkes said,

Mr. Speaker,

Before the *Petition* of the *Trustees of the British Museum* is referred to the consideration of the Committee of Supply, I beg the indulgence of the House to submit a few general ideas on that subject, entirely independent of party and politics. The encouragement of all useful knowledge, and the protection of the arts and sciences, with a particular attention to our own manufactures, appear, to me, Sir, just objects of public regard, and highly deserving parliamentary consideration, especially in this great commercial country. Among the many proofs of the improvement of our national taste, and love of polite literature, the establishment of the *British Museum* claims the pre-eminence. It rose under the favourable auspices of this House, has been carefully watched over by us, and I hope will still continue to receive our friendly protection and support. Various branches of learning have already derived singular

gular advantages from that rich repository, and I think it may be made yet more extensively useful to this kingdom. This, Sir, can only be done by this House, by parliamentary assistance. I shall at present confine myself to general ideas, and only throw out some hints for a future day's consideration.

It seems to me, Sir, highly expedient that the Trustees of the *British Museum* should not only be enabled adequately to fulfil the objects of their public trust, by making what is already collected as useful as possible to the nation, but still farther to extend the laudable purposes of their institution. Their present funds, we find by their Petition, are incompetent even to the contracted plan now pursued. It is a general complaint, that the *British Museum* is not sufficiently accessible to the public. This must necessarily happen from the deficiency of their revenues. The trustees cannot pay a proper number of officers and attendants. This will to-day be in part the consideration of the committee, into which the House will soon resolve itself. But, Sir, I wish their plan much enlarged, especially on two important objects, *Books* and *Paintings*. This capital, after so many ages, remains without any considerable public library. Rome has the immense collection of the *Vatican*, and Paris scarcely yields to the mistress of the world by the greatness of the *King's Library*. They are both open at stated times, with every proper accommodation, to all strangers. London has no large public Library. The best here is the *Royal Society's*; but even that is inconsiderable, neither is it open to the public, nor are the necessary conveniences afforded strangers for reading or transcribing. The *British Museum*, Sir, is rich in Manuscripts, the *Harleian collection*,

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the *Cottonian Library*, the *collection of Charles I.* and many others, especially on our own history; but it is wretchedly poor in printed books. I wish, Sir, a sum was allowed by parliament for the purchase of the most valuable editions of the best authors, and an Act passed to oblige every printer, under a certain penalty, to send a copy bound of every publication he made to the *British Museum*. Our posterity, by this and other acquisitions, might perhaps possess a more valuable treasure than even the celebrated *Alexandrian collection*; for, notwithstanding that selfishness, which marks the present age, we have not quite lost sight of every beneficial prospect for futurity. Considerable donations might likewise, after such a sanction of parliamentary approbation, be expected from private persons, who in England, more than in any country of the world, have enlarged views for the general good and glory of the state.

The *British Museum*, Sir, possesses few valuable *paintings*, yet we are anxious to have an *English school* of painters. If we expect to rival the Italian, the Flemish, or even the French, school, our artists must have before their eyes the finished works of the greatest masters. Such an opportunity, if I am rightly informed, will soon present itself. I understand that an application is intended to parliament, that one of the first collections in Europe, that at *Houghton*, made by Sir Robert Walpole, of acknowledged superiority to most in Italy, and scarcely inferior even to the Duke of Orleans's in the Palais Royal at Paris, may be sold by the family. I hope it will not be dispersed, but purchased by parliament, and added to the *British Museum*. I wish, Sir, the eye of painting as fully

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-gratified,

gratified, as the ear of music is in this island, which at last bids fair to become a favourite abode of the polite arts. A noble gallery ought to be built in the spacious garden of the *British Museum* for the reception of that invaluable treasure. Such an important acquisition as the *Houghton collection*, would in some degree alleviate the concern, which every man of taste now feels at being deprived of viewing those prodigies of art, the *Cartons* of the divine Raphael. King William, although a Dutchman, really loved and understood the polite arts. He had the fine feelings of a man of taste, as well as the sentiments of a hero. He built the princely suite of apartments at Hampton-court, on purpose for the reception of those heavenly guests. The English nation were then admitted to the rapturous enjoyment of their beauties. They have remained there till this reign. At present they are perishing in a late *Baronet's* * *smoky house at the end of a great smoky town* †. They are entirely sequestered from the public eye; yet, Sir, they were purchased with public money, before the accession of the Brunswick Line, not brought from *Herrenhausen*. Can there be, Sir, a greater mortification to any English gentleman of taste, than to be thus deprived of feasting his delighted view with what he most desired, and had always considered as the pride of our island, as an invaluable national treasure, as a common

* Sir Charles Sheffield's house in St. James's Park, now called the Queen's Palace.

† The royal *Procrustes*, who has founded an Academy of Painting, after an exact admeasurement, observing very sagaciously, that "the *Cartons* were too long, "and ought to be cut shorter," a sacrilegious hand was found, which--*horresco referens*! --- mangled the divine works of the most divine artist, that they might exactly fit their present improper, ignoble situation,

bleffing, not as private property? The kings of France and Spain permit their fubjects and ftrangers the view of all the pictures in their collections; and fure, Sir, an equal compliment is due to a generous and free nation, who give their prince an income of above a million a year, even under the greateft public burthens.

A remarkable opportunity, Sir, of improving the national tafte in *painting*, which was lately loft, I hope may now be recovered. The incomparable Sir Joshua Reynolds*, and fome other great painters, who do honour to our country, generously offered the late bifhop of London † to adorn the cathedral of St. Paul's, that glorious monument of the magnificence of our anceftors, with fome of their moft valuable works; but the propofition had to encounter the abfurd, *gothic* prejudices of a taftelefs and ignorant prelate, which were found to be infuperable. We have the fatisfaction at prefent of having in the fee of London ‡ a gentleman §, not only of folid piety, but of the

* Sir *Joshua Reynolds* has given this ifland a fair claim to the following beautiful lines of Mr. Tickell:

See on her *Titian's* and her *Guido's* urns
Her falling arts forlorn *Hesperia* mourns;
While Britain winds each garland from her brow,
Her wit and freedom firft, her painting now.

† Dr. Richard Terrick.

‡ If I may be indulged a conjecture, it fhould be that not the *folid piety*, nor the *found learning*, nor the *classical tafte*, nor the merited correction, which, in the caufe of polite literature, the prefent Bifhop of London gave the *mitred cynick of Gloucester*, captivated Mr. *Wilkes* fo much as that love of liberty, and deteftation of tyrants, which are conspicuous in the writings of our excellent Diocefan. In his lectures "*De facra Poefi Hebræorum*," a wonderful work from the *Clarendon Prefſs at Oxford*, with the *imprimatur* of the Vice Chancellor Browne in 1753, this worthy Prelate quotes with diftinguiſhed praiſe the *inspired verſes* fung at all the public feſtivals of the Athenians in honour of the Greek heroes, Harmodius and Ariſtogiton, who ſlew the tyrant Hipparchus. The good Biſhop declares the verſes to be "*ingenioſi certe poetæ, et valde boni civis.*"

§ Dr. Robert Lowth.

the foundest learning, and of exquisite, classical taste. I hope at such a favourable moment the proposition will be renewed and accepted.

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Num verendum erat, ne quis tyrannidem Pisistratidarum Athenis instaurare auderet, ubi in omnibus conviviis, et æque ab infima plebe in compitis, quotidie cantitaretur Σκολιον illud Callistrati nescio cujus, sed ingeniosi certe poetæ, et valde boni civis ?

Εν μυρτῇ κλαδί το ξίφος φέρησω,
Ὡς περ Ἀρμόδιος κ' Ἀριστογείτων,
Ὅτε τον τυραννον κτανέτην,
Ἰσονομος τ' Ἀθηνας ἐποίησάτην.

Φιλὰδ' Ἀρμόδι, κὶ πᾶ τῶν ἡρώων,
Νῆσις δ' ἐν μακάρων σε φασιν εἶναι,
Ἰνα πρὸς πῶδάκης Ἀχιλεὺς,
Τυδεΐδην τε φασιν Διομήδεα.

Εν μυρτῇ κλαδί το ξίφος φέρησω,
Ὡς περ Ἀρμόδιος κ' Ἀριστογείτων,
Ὅτ' Ἀθηναίης ἐν θυσιαις
Ἀνδρᾶ τυραννον Ἰππαρχον ἐκαινέσαν.

Λεῖσφω κλέος ἐσσεῖται κατ' αἶαν,
Φιλ' αὖθ' Ἀρμόδιος κ' Ἀριστογείτων,
Ὅτε τον τυραννον κτανέτον,
Ἰσονομος τ' Ἀθηνας ἐποίησάτον.

Quod si post *Idus illas Martias* e Tyrannoctonis, quispiam tale aliquod carmen plebi tradidisset, inque Suburram, et fori circulos, et in ora vulgi intulisset ; actum profecto fuisset de partibus deque dominatione Cæsarum : plus mehercule valuisset unum *Αρμόδιου μέλος* quam Ciceronis *Philippicæ* omnes.

The following is a literal translation of the Greek Ode :

In myrtle branches will I bear my dagger,
Like Harmodius and Aristogiton,
When they stabbed the tyrant,
And gave the Athenians equal laws.

Oh ! most beloved Harmodius, you are not dead,
But they say you are in the islands of the blessed,
With swift-footed Achilles,
And Diomed, the son of Tydeus.

In myrtle branches will I bear my dagger,
Like Armodius and Aristogiton,
When in the Athenian sacrifices,
They slew Hipparchus the tyrant.

As almost all arts and sciences, as well as some of the most useful manufactures, have a connection with each

The fame of you two shall ever spread through the earth,
Oh ! most beloved Harmodius and Aristogiton,
Because you slew the tyrant,
And gave the Athenians equal laws.

Another important circumstance on this great occasion was neglected by the Roman heroes, Brutus and Cassius. The dead body of the usurper ought immediately to have been thrown into the Tiber. Mark Antony's eloquent, but seditious and pestilent, funeral oration had not in that case been pronounced, nor the multitude driven to madness by his insidious artifices and the affecting spectacle of the corpse of Cæsar, mangled with many wounds. The republic, perhaps, had survived, at least during the life of Brutus. The name, and family of the tyrant, might, after the *ides of March*, have been rendered odious by popular songs, and the Bishop blames the Romans for not copying from the Greeks in this respect. Liberty might have triumphed, and so general a horror of tyranny been diffused through the republic, that *Suetonius* could never have shocked all posterity by a detail, ridiculously minute and disgusting, of the monstrous crimes of the usurper's successors, when no longer controlled by fear or any legal restraints. That writer, however, argues in my opinion against despotic power better than Sydney, Locke, or Price.

The idea in the Greek verses, which the Bishop so justly admires, of the two heroes *bearing their daggers in branches of myrtle*, was taken from what happened at the feast of Panathenæa. The Athenians carried large *myrtle branches* in all their great solemnities and sacrifices. Among these the patriotic *daggers* of Harmodious and Aristogiton were concealed. Undoubtedly they thought with all antiquity, that those, who trample on the equal rights of mankind, and rise superior to the laws of their country, so that they cannot be brought to a formal trial, nor made to expiate their crimes by the *sword of justice*, may be righteously punished by the *dagger of patriotism*. The Greeks and Romans not only *spoke daggers*, but *used them* in the cause of liberty, for they believed that the most acceptable sacrifice to the Gods was an usurper, or human tyrant.

Vidima haud ulla amplior
Potest, magisque opima mactari Jovi
Quam rex iniquus.

SENECA.

When the City of London, in 1772, voted a *silver cup* to Mr. Wilkes for his defence of freedom in the case of the printers, and left the design and ornaments to his direction, the *Death of Cæsar* in the Roman senate was the subject of his choice. It is certainly one of the greatest sacrifices to public liberty recorded in history. The *dagger* in the first quarter of the City Arms, which of course were to be embossed on the *vase*, does not seem to have suggested to him either the idea of the *dagger*, with which Sir William Walworth, a Lord Mayor of London in the reign

each other, they will likewise give each other a mutual assistance. The beautiful art of *engraving*, which is now carried among us to an astonishing degree of perfection, will come to the aid of her sister *painting*. We have shewn our attention to that art this very session. I hope hereafter, even in this cold, raw climate, to be warmed with the glowing colours of our own *gobelins* tapestry, and I wish encouragement was given by parliament to that noble manufacture, which in France almost rivals the powers of *painting*. The important advantages of such a commerce too we may learn from our neighbours.

I am not alarmed, Sir, at the great expence, which some gentlemen seem to dread as the inevitable consequence of what I have mentioned. The treasures of a state are well employed in works of national magnificence. The power and wealth of ancient Greece were most seen and admired in the splendour of the temples, and other sublime structures, of *Pericles*. He boasted, that every art would be exerted, every

reign of Richard II, killed Wat Tyler, or of the "curtana," the "short sword" of St. Paul, according to the idle disputes of dull antiquarians; but probably it furnished the hint of

The *dagger* went to pierce the tyrant's breast.

POPE.

Julius Cæsar is represented in the bas-relief on the *vase*, as he is described by all historians in that important moment, gracefully covering himself with the toga, and falling at the base of a pedestal, which supports the statue of Pompey the Great. Brutus, Cassius, and the other noble Romans, who conspired to restore freedom to their country, form a circle around the body of Cæsar. Their *daggers*, after the *godlike stroke*, seem reeking with the tyrant's blood, and are raised to heaven. Every eye is fixed on Brutus, who is in the attitude of congratulating Cicero on the recovery of the public liberty, and pointing to the prostrate and expiring usurper. The figure of Brutus stands out in very bold and high *relievo*, is particularly striking, and the capital of the whole groupe. At the bottom of the *vase* is the following inscription, encircled with *myrtle* and *oak leaves*:

May every tyrant feel

The keen, deep searchings of a patriot steel!

CHURCHILL.

L. 2

citizen

citizen in the pay of the state, and the city, not only beautified, but maintained by itself. The sums he expended on the public buildings of *lettered Athens, in the most high and palmy state of Greece*, after the brilliant victories over the Persians, diffused riches and plenty among the people at that time, and will be an eternal monument of the glory of that powerful republic. The *Parthenon* only, or Temple of Minerva, acknowledged to be the most beautiful piece of antiquity now remaining in the world, which is of the purest white marble, cost, with its statues and sculptures, above a thousand talents, near 200,000l*.

One observation here, Sir, naturally occurs, which justice to the *Trustees of the British Museum* demands. No public money has ever been more faithfully, more frugally applied to the purposes, for which it has been given, than what they have received. Perhaps the *Trustees of the British Museum* are the only body of men, who have never been suspected of want either of fidelity or œconomy. I think, therefore, we may safely trust them farther, not penuriously, but largely, on a great, national concern, especially when their accounts are so frequently submitted to the examination of parliament.

Learning, Sir, and the polite arts, have scarcely more than three enemies, ignorance and stupidity always, superstition often. The noble Lord with the blue ribband †, who is at the head of the finances of this country, possesses wit, genius, a great deal of true taste, and a very cultivated understanding. The

* In the Tables of the learned Dr. Arbuthnot, the Attic Talent is valued at 193l. 15s.

† Lord North, First Lord of the Treasury, and Chancellor of the Exchequer.

most important establishment of this kingdom in taste and literature now supplicates the assistance and protection of this *House*. The fine arts have in his Lordship a judicious admirer, and of consequence a generous benefactor, a powerful protector.

VOTES of April 29, 1777.

A motion was made, and the Question being put,
 “ That the resolution of this House, of the 17th of
 “ February 1769, *that John Wilkes, Esquire, having*
 “ *been in this Session of Parliament, expelled this House,*
 “ *was, and is, incapable of being elected a Member to*
 “ *serve in this present Parliament,* be expunged from
 “ the Journals of this House, as being subversive of
 “ the Rights of the whole Body of Electors of this
 “ kingdom ;”

Mr. Wilkes said,

Mr. Speaker,

The important Rights of Election in the people are so deeply interested in the Question, which I think it my duty to move again to this House, that no apology can be necessary for my embracing this, and every, opportunity, which the forms of parliament permit, of bringing this business again to our consideration.

Every Elector in the kingdom, Sir, was injured by the resolution of the last parliament in the case of the

Middlesex Elections. A fatal precedent is thereby created of making an *Incapacity* by a *Vote* of this House, where the law of the land, and common right, rendered the party eligible. The words of the Resolution of the 17th of February, 1769, are, “ That John “ Wilkes, Esquire, having been in this Session of Par- “ liament, expelled this House, was, and is, incapa- “ ble of being elected a Member to serve in this pre- “ sent Parliament.” By this arbitrary and capricious *Vote* the House established an *Incapacity* unknown to the laws of the land. It is a direct assuming of the whole legislative power, for it gives to the Resolution of one House the virtue of an act of the entire legislature to bind the whole. The King, the Lords, the Commons of the realm, suffer alike from this usurpation. It effectually destroys both the form and essence of this free constitution. The right of representation is taken away by this vote. It is difficult, Sir, to decide, whether the despotic body of men, which composed the last rotten parliament, intended by the whole of their conduct in the Middlesex Elections to cut up by the roots our most invaluable Franchises and Privileges, or only to sacrifice to the rage of an incensed court one obnoxious individual. In either case the rights of the nation were betrayed by *that* Parliament, and basely surrendered into the hands of the minister, that is, of the crown.

We are, Sir, the guardians of the laws. It is our duty to oppose all usurped power in the King or the Lords*. We are criminal, when we consent to the exercise

* The following extract from the speech of Mr. Wilkes to the Livery of London, when he quitted the office of Lord Mayor, Nov. 8, 1775, gives a remarkable instance of an attack on the liberty of the subject by the *House of Lords* in the preceding February.

exercise of any illegal power, much more, when we either exercise, or solicit it ourselves. This the late House

“ The last year, gentlemen, has passed without any attack on our rights and privileges from the House of Commons. *That* arbitrary and unprincipled body has been almost wholly employed, with the industry and spirit of fiends, in the vain and wicked attempt of perfecting their plans to establish *despotism in New England*, and *Papery in Canada*. They have stained the British laurels with the *guiltless* blood of our fellow-subjects in America. But the *House of Lords* early in the present year made a direct attack on the rights of every Commoner in England, and the essential privileges of this city. They ordered a citizen, Mr. Randall, *unheard*, into custody, without any appeal to a *Jury*, only for disrespectful words against a Member of their House [Lord Lyttelton]. Although parties, they endeavoured to establish themselves judges in their own cause, in equal violation of the dictates of common sense and justice, and in the first instance, not by an appeal from an inferior court to them, as the supreme judicature of the kingdom. *The Gentleman Usher of the Black Rod* [Sir Francis Molyneux] came repeatedly with his assistants here to seize a citizen; but notwithstanding the express assertion in the order of the peers, that he should find it a *sufficient warrant* for the attachment of the body of a freeman, Mr. Randall remained safe in his own house under the protection of the laws, and your Chief Magistrate. The officer of the *House of Lords* preferred an ignominious retreat to Westminster to the certainty of his own commitment in the city by a *really sufficient* warrant, which I would have issued if he had persevered. He made a report of what *he had not done*; and that disgraceful entry in the *Journals* of the House of Lords gives us another demonstration, that in this *free* country all usurped authority must in the end yield to law and the constitution, for Mr. Randall has ever since remained among us in perfect security, as unmolested from the illegal attacks of the *Lords*, as Mr. Miller has been from the late similar outrages of the *Commons*, &c.

From the pre-eminence, gentlemen, to which your favour raised me, I now return with pleasure to my former state of one of your magistrates, and to mingle with the mass of my fellow-citizens, &c. &c. &c.”

Junius in the letter of May 28, 1770, says, “ The arbitrary power they [*the Lords*] have assumed of *imposing fines* and *committing during pleasure*, will now be exercised in its full extent;” and in a note he adds, “ *The man who resists and overcomes this iniquitous power, assumed by the Lords, must be supported by the whole people. We have the laws of our side, and want nothing but an intrepid leader. When such a man stands forth, let the nation look to it: It is not his cause, but OUR OWN.*”

Junius, vol. II. p. 93.

In an Address to the Livery of London from the Sheriffs Wilkes and Bull, dated April 6, 1772, it is said, “ We may congratulate our countrymen that the number of these unfortunate persons has not been attempted to be increased this session by any *illegal Royal Proclamations*, or commitments *during pleasure*, made by *either of the two Houses of Parliament*. Their late usurpations on the personal rights and privileges of the people seem to be given up and surrendered. The *Lords* have not dared to unconstitutional an order of imprisonment, nor to impose any fines at their arbitrary

House of Commons * did in the Address to his Majesty to dispense with the laws by issuing a *Proclamation* for

will for offences cognizable by *Juries*. No man has been committed at their bar for what their *Votes*, not the laws, declare seditious, nor for what they so readily find a libel on a brother Peer, nor have they ventured to condemn any person on the first original hearing of a cause, which ought to come before them only by appeal from the inferior Courts after the verdict of a Jury. The House of Commons have tacitly acquiesced in the claim made by many of our worthy fellow-citizens for the people at large, that the constituents have a right to be fully informed of the proceedings of their servants in Parliament. Their *Votes* indeed assert, "that it is an indignity to, and a breach of, the privilege of this House for any person to presume to give, in written or printed newspapers, any account, or minutes of the Debates, or other proceedings, of the House, or of any Committee thereof:" but the usurpation was apparent, as well as the indignity to their masters, and the breach of the privileges of their constituents. Their other *Resolution* in consequence fell into contempt, "that upon discovery of the authors, printers, or publishers of any such written or printed newspaper, the House will proceed against the offenders with the utmost severity." Several honest printers, in defiance of their illegal orders, gave the public all the particulars of their proceedings during the last Session, proceedings which the House prudently endeavoured to hide in a darkness suited to their deeds. The most natural effect followed, a general abhorrence of them through the nation. The same persons, who asserted our right the last winter, have through the present session continued the exercise of it in its fullest extent. Notwithstanding the Report of the "Committee to examine into the several facts and circumstances relative to the late obstructions to the execution of the orders of the House, and to consider what further proceedings may be requisite to enforce a due obedience thereto," was, in express terms, that the House should order, that the said J. MILLER be taken into custody of the Serjeant at Arms attending the House, the said MILLER is still at large, still continues the severest attack upon them by faithfully publishing their proceedings, still braves their indignation, and—sleeps secure in the city. Among the number of daily offenders of this kind, the corrupt majority in the House of Commons have not presumed to commit a single printer, although

* That their practice might be every way conformable to their principles, the House proceeded to advise the Crown to publish a *Proclamation* universally acknowledged to be illegal. Mr. Moreton [Chief Justice of Chester, and Attorney-General to the Queen] publicly protested against it before it was issued; and Lord Mansfield, though not scrupulous to an extreme, speaks of it with horror. It is remarkable enough that the very men, who advised the *Proclamation*, and who hear it arraigned every day both within doors and without, are not daring enough to utter one word in its defence, nor have they ventured to take the least notice of Mr. Wilkes for discharging the persons apprehended under it.

Letters of Junius, vol. II. p. 166.

for the apprehending of two persons, not felons, but honest laborious *Printers*, Wheble and Thomson, in

1771.

by the late *Royal Marriage Bill* they have invaded the primary inherent rights of human nature, and the divine institutions, in the persons of the descendants of the late most excellent King, and, regardless of the cries of the starving poor, employed themselves this whole Session only to enslave the family of a Prince, whose memory becomes every day more dear and sacred to all true Englishmen. The people are now made the judges of the conduct of their representatives; and the full exertion of the *liberty of the press*, that great bulwark of all our liberties, in support of the constitution, with the other acquisitions for the public, will render this æra ever memorable in our annals. These triumphs over the ministerial faction we hold more important at this period, because they have been gained, when the Chief Magistrate of the capital [*William Nass, Esq;*] had betrayed the rights he was chosen to defend, and trampled upon the known privileges of all the electors of this great city, which his upright predecessor [*Brass Crosby, Esq;*] vindicated with true spirit and courage, &c. &c."

Mr. Wilkes in the first Parliament of this reign had the honour of being ordered to be taken into custody by the *Gentleman Usher of the Black Rod* attending the *House of Lords*—when their *Lordships* knew he was at Paris. In his letter, dated Oct. 22, 1764, from Paris, to the Electors of Aylesbury, whom he formerly represented, the ground of the complaint against him to the *Lords* is stated. The complaint originated from Lord Sandwich. By an unnatural *Alliance between Church and State*, between that Lay Lord, and the Right Reverend Father in God, *Dr. William Warburton*, Bishop of Gloucester, a complaint of privilege had been made to the *House of Lords*, that the name of *Warburton* had been put to some notes on the *Essay on Woman*, which the Bishop disclaimed, I believe with truth, certainly with great warmth. The pious Earl and meek Bishop helped each other to put on their *spiritual armour*, and joined their forces in this holy war, which they carried on with religious rage and priestly cruelty. In the letter from Paris it is said, "After the affair of the North Briton, the government bribed one of my servants to steal a part of the *Essay on Woman*, and the other pieces, out of my house. Not quite a fourth part of the volume had been printed at my own private press. The work had been discontinued for many months, before I had the least knowledge of the theft. Of that fourth part only twelve copies were worked off, and I never gave one of those copies to any friend. In this infamous manner did government get possession of this new subject of accusation, and, except in the case of *Algernon Sydney*, of this new species of crime; for a Stuart only could make the refinement in tyranny of ransacking and robbing the recesses of closets and studies, in order to convert private amusements into state crimes. After the servant had been bribed to commit the theft in his master's house, the most abandoned man of the age [*the Earl of Sandwich*], who in this virtuous reign had risen to be Secretary of State, was bribed to make a complaint to the *House of Lords*, that I had published an infamous poem, which no man there had ever seen. It was read before that great assembly of grave Lords and pious prelates, excellent judges of wit and poetry, and ordered to lie on the table, for the clerks of the House

"to

1771. Yet I have heard this day, and frequently of late, *that* very House of Commons, notwithstanding this

“to copy, and to *publish* through the nation. The whole of this proceeding was, I own, a public insult on order and decency; but was committed by the *House of Lords*, not by the accused Member of the *House of Commons*.”

Journals of the House of Lords, Nov. 15, 1763, vol. XXX. p. 415.

Complaint was made to the House of a printed Paper, intituled *An Essay on Woman*, with *notes*, to which the name of the Right Reverend Dr. Warburton, Lord Bishop of Gloucester, a Member of this House, is affixed, in breach of the Privilege of this House, &c.

And some passages in the said printed papers being read,

It was resolved by the Lords Spiritual and Temporal in Parliament assembled, that a printed paper, intituled, “*An Essay on Woman*,” with the *notes*, &c. highly reflecting upon a Member of this House, is a manifest breach of the privilege thereof, &c. &c.

Journals of the House of Lords, Jan. 23, 1764, vol. XXX. p. 456.

The Lord *Mansfield*, Lord Chief Justice of the King's Bench, sat Speaker.

Ordered, That *John Wilkes*, Esquire, of Great George Street, Westminster, [*known to be then in Paris*] do attend this House to-morrow [*in Westminster*].

Journals of the House of Lords, Jan. 24, 1764, vol. XXX. p. 458.

The Lord *Mansfield* sat Speaker.

The Yeoman Usher, being called upon to give an account of the service of the Order of this House for the attendance of *Mr. Wilkes*, acquainted the House, “that he went, with their Lordships said order, yesterday evening to *Mr. Wilkes's* house in Great George Street, Westminster; and that *Mr. Wilkes's* servant told him, he believed his Master was in *France*, for that he saw a letter from him on Tuesday last from *Paris*; that he could not tell the date of it; but as he was told it was six days in coming, he supposes it was dated about the 11th of this month.”

Resolved, by the Lords Spiritual and Temporal in Parliament assembled, That it appearing to this House, that *John Wilkes*, Esquire, of George Street, Westminster, is the Author and PUBLISHER of the “*Essay on Woman*,” with *notes*, &c. he be, for the said offence, taken into the custody of the Gentleman Usher of the Black Rod.

Accordingly, Ordered, by the Lords Spiritual and Temporal in Parliament assembled, that the Gentleman Usher of the Black Rod, attending this House, do forthwith [*at Paris*] attach the body of the said *John Wilkes*, and bring him in safe custody to the Bar of this House, to answer for the said offence; And *this shall be your sufficient warrant* in that behalf.

To Sir Septimus Robinson, Knight, Gentleman Usher of the Black Rod attending this House, his Deputy or Deputies, and every of them.

Dominus *Mansfield*, Capitalis Justiciarius Banci Regii, declaravit præsens Parliamentum continuandum esse usque ad et in diem Mercurii, vicessimum quintum diem instantis Januarii, hora undecima Auroræ, Dominis sic decernentibus.

This unconstitutional power of the Gentleman Usher of the Black Rod, an iron rod, by which the Lords have frequently and sorely chastised the nation, was destroyed

this and many other violations of freedom, spoken of here with great applause. Gentlemen, Sir, look much displeased. There is not, however, Sir, I am satisfied, one Gentleman of the law, who will now get up in his place, and justify the illegal *Proclamation*, which was protested against in this House by some of the ablest Lawyers among us before it issued, and has since been universally condemned. It was by me set aside judicially, and a man apprehended under that *Royal Proclamation* discharged *.

I observe

by *Mr. Wilkes* in 1775. Although it may continue a *rod of anger*, it will be no longer a *rod of strength or oppression, a sceptre to rule the people*. It is *broken*, and like into a *reed*.

The Lords, Spiritual and Temporal, *resolving*, on the motion of Lord Sandwich, that *Mr. Wilkes* had *published* a poem, which *he* concealed from every friend, and *they* gave to the world, demonstrated a tolerable share both of folly and falsehood in their Lordships. It was properly indeed moved by the father of all fraud and treachery; but mankind deemed it in their Lordships a *retaliation* without the least colour of justice, very unbecoming the Supreme Court of Judicature in the kingdom, very becoming the Old Bailey. I shall conclude this disgraceful business with the words of *Mr. Wilkes* at the Bar of the Court of King's Bench, April 20, 1768.

"As to the other charge against me for the *publication* of a poem, which has given just offence, I will assert that such an idea never entered my mind. I blush again at the recollection that it has been at any time, and in any way, brought to the public eye, and drawn from the obscurity in which it remained under my roof. Twelve copies of a small part of it had been printed at my house at my own private press. I had carefully locked them up, and I never gave one to my most intimate friend. Government, after the affair of the *North Briton*, bribed one of my servants to rob me of the copy, which was produced in the *House of Peers*, and afterwards before this honourable Court. The nation was justly offended, but not with me, for it was evident that I had not been guilty of the least offence to the public. *I pray God to so give, as I do, the Jury, who have found me GUILTY OF PUBLISHING A Poem I concealed with care, and which is not even yet PUBLISHED*, if a precise meaning can be affixed to any word in our language."

The deepest guilt was Lord Mansfield's, for the Jury were partly ensnared by the subtleties and pretended legal distinctions, partly cajoled by the nods, winks, and smiles, of that arch enemy of freedom, the artful Scottish Chief Justice, who hurried on, and tried this cause, while *Mr. Wilkes* was dangerously ill in his bed at Paris from the consequences of an affair of honour.

* The attack of the late *House of Commons* on the poor *Printers*, who were protected by *Mr. Wilkes* and two other magistrates, is of so remarkable a nature, and has

I observe, Sir, on all occasions, a Tenderneſs * for the proceedings of that Parliament, which is in no respect

has been attended with ſuch happy conſequences to the public, that it ought to be given at large. Since the beginning of that conteſt to the preſent time, *the people* have regularly been informed of the proceedings of *their ſervants* in the Houſe of Commons, in the making of laws to bind them. Almoſt every newspaper has during the Seſſion of Parliament given us in a formal manner the *Minutes* and *Debates* of both Houſes, under their reſpective heads, *House of Lords*, and *House of Commons*. This is an acquiſition of no ſmall importance to the public in a ſtate, where the people have ſo conſiderable a ſhare in the government. It was a victory obtained in the cauſe of liberty, not indeed ſo glorious as that of *Minden*, nor ſo important as that of *Culloden*, but meriting *civic crowns* to three magiſtrates. The following Reſolution of the Houſe of Commons, however, ſtill continues on their Journals.

Journals of April 13, 1738, vol. XXIII. p. 148.

Reſolved, “ That it is an high indignity to, and a notorious breach of the privilege of, this Houſe, for any News-writer, in letters, or other papers (as *Minutes*, or under any other denomination), or for any printer or publiſher of any printed News-paper, of any denomination, to preſume to infer in the ſaid letters or papers, or to give therein, any account of the *debates*, or other proceedings of this Houſe, or any Committee thereof, as well during the reſeſs, as the ſitting of Parliament; and that this Houſe will proceed with the utmoſt ſeverity againſt ſuch offenders.”

Did the court of Inquiſition even at *Gea* ever endeavour to throw a more *Stygian* gloom over their horrid proceedings than the representatives of a free people did by the foregoing reſolution? The glorious triumph of the friends of the people

* This is happily accounted for in thoſe incomparable lines of the “ Epistle to Dr. Shebbeare” publiſhed the laſt month, where the poet apoſtrophizes the preſent Houſe of Commons :

Thrice has the ſun commenc’d his annual ride,
Since, full of years and praiſe, thy *mother* died.
’Twas then I ſaw thee, with exulting eyes,
A ſecond phoenix, from her aſhes riſe;
Mark’d all the graces of thy loyal creſt,
Sweet with the perfume of its *parent* neſt.
Rare chick ! how worthy of all *court caresses*,
How ſoft, how echo-like, it chirp’d *addresses*.
Proceed, I cry’d, thy full-fledg’d plumes unfold,
Each true-blue feather ſhall be tipt with gold.
Ordain’d thy race of future fame to run,
To do, whate’er thy *mother* left undone.
In all *her* ſmooth, obſequious paths proceed,
For, know, poor *opposition* wants a head.

respect merited. If, however, they had been guilty of no other outrage against the freedom of the subject,

ple over the *left* corrupt House of Commons shall be given from their own Journals. The chace of a brace of Printers, by the *bounds* of Lord North, and the *grey-bounds* of the King, as his Majesty's messengers are called, with all the doublings and turnings, will perhaps be amusing. Lord North's *pack of bounds* are acknowledged to be the most staunch, and the best-fed in Europe, as well as to have the most expert *whipper-in*.

Journal of Feb. 8, 1771, vol. XXXIII. p. 139.

Complaint being made to the House, of the printed News-paper, intituled, "*The Gazetteer and New Daily Advertiser*, Friday February 8, 1771, printed for *R. Thompson*;" and also of the printed News-paper, intituled, "*The Middlesex Journal, or Chronicle of Liberty*, from Tuesday, February 5, to Thursday, February 1771, printed for *J. Wheble*;" as misrepresenting the speeches, and reflecting on several of the members of this House, in contempt of the order, and in breach of the privilege, of this House;

Ordered, That the said *R. Thompson* do attend this House upon Monday morning next.

Ordered, That the said *J. Wheble* do attend this House upon Monday morning next.

Journals, Feb. 11, 1771, vol. XXXIII. p. 154.

Ordered, that the said *R. Thompson* and *J. Wheble* do attend this House upon Monday morning next.

Journals, Feb. 14, 1771, vol. XXXIII. p. 162.

Ordered, That the said *R. Thompson* and *J. Wheble* do attend this House upon Tuesday morning next.

Journals, Feb. 19, 1771, vol. XXXIII. p. 183 and 184.

The order of the day being read, for the attendance of *R. Thompson* and *J. Wheble*; and the said *R. Thompson* and *J. Wheble* not attending; the messenger to whom the orders of the 8th day of this instant February were delivered, being called upon to give an account of the service thereof, acquainted the House, That he had served the orders of the said 8th day of February, for the attendance of the said *R. Thompson* and *J. Wheble*, upon Monday the 11th day of this instant February; but that he has not served them with any further order for their attendance, on this day, &c. &c.

Ordered, That *R. Thompson* do attend this House upon Thursday morning next.

Ordered, That *J. Wheble* do attend this House upon Thursday morning next.

Journals, Feb. 21, 1771, vol. XXXIII. p. 194.

The several orders of the day being read, for the attendance of *R. Thompson* and *J. Wheble*;

And the said *R. Thompson* and *J. Wheble* not attending, according to order; [the messenger, to whom the said orders were delivered, being called upon to give an account of the service thereof, acquainted the House, That he went to the house of the said *R. Thompson* on Tuesday Evening last; and being informed

ject, this alone respecting the Middlesex Elections, by which the constitution is overturned, was sufficient for

by his servant, that he was not at home, he left a copy of the order for the attendance of the said *R. Thompson*, with the said servant, and desired him to give the same to his master when he came home; that he, the said messenger, went again on Wednesday morning to the house of the said *R. Thompson*, and was again informed, that he was not at home.

The messenger also acquainted the House, That he went on Tuesday evening last to the house of the said *J. Weble*; that he was told he was not at home, but was expected every minute; that he waited at the house of the said *J. Weble* some time, but he not returning, he, the messenger, left a copy of the order for the attendance of the said *J. Weble* at his House, and desired it might be given him on his return; and that on calling again on Wednesday morning at the house of the said *J. Weble*, he was again informed that he was not at home.

Ordered, That *R. Thompson* do attend this House upon Tuesday morning next.

Ordered, That the service of the said Order, by leaving a copy of the same at the usual place of abode of the said *R. Thompson*, be deemed equal to personal service, and be good service.

Ordered, That the service of the said Order, by leaving a copy of the same at the usual place of abode of the said *J. Weble*, be deemed equal to personal service, and be good service.

Journals, Feb. 26, 1771, vol. XXXIII. p. 208.

The several orders of the day, for the attendance of *R. Thompson* and *J. Weble*, being read;

And the said *R. Thompson* and *J. Weble* not attending, according to order, the messenger, to whom the said orders were delivered, being called upon, to give an account of the service thereof, acquainted the House, that he went to the house of the said *J. Weble*, in Pater-noster Row, on Thursday evening last; and being informed by his servant that he was not at home, he shewed the said servant the original order for the attendance of the said *J. Weble*, and left a copy thereof with the said servant, and desired him to give the same to his master when he came home; which the said servant promised to do.

The said messenger also acquainted the House, that he went to the house of the said *R. Thompson* in Newgate Street, on Thursday evening last; that he was told he was not at home; and that then he shewed the original order for the attendance of the said *R. Thompson* to, and left a copy thereof with, his servant, and desired him to give the same to his Master, which he likewise promised to do.

Ordered, That the said *John Weble* be, for his contempt, in not obeying the order of this House, for his attendance on the House this day, taken into custody of the Serjeant at Arms, or his Deputy, attending this House.

Ordered, That the said *R. Thompson* be, for his contempt, in not obeying the order of this House, for his attendance on the House this day, taken into the custody of the Serjeant at Arms, or his Deputy, attending this House.

Journals,

for their full disgrace in the annals of our country.
The present question has been fully debated twice in
this

Journals, March 4, 1771, vol. XXXIII, p. 224.

The Deputy Serjeant at Arms attending this House, being called upon to give an account of the service of the orders of the House of Tuesday last, for taking into custody *J. Wheble* and *R. Thompson* acquainted the House, that, though he had been several times at the respective houses of the said *J. Wheble* and *R. Thompson*, and had made diligent search after them, in order to take them into custody, he had not yet been able to meet with either of them.

Resolved, That an humble address be presented to His Majesty, That he will be graciously pleased to issue His Royal *Proclamation*, for apprehending the said *J. Wheble* and *R. Thompson*, with a promise of a reward for the same.

Journals, March 7, 1771, vol. XXXIII, p. 234.

Mr. *Onslow* reported to the House, That their Address of Monday last (that His Majesty would be graciously pleased to issue His Royal *Proclamation*, for apprehending *J. Wheble* and *R. Thompson*, with a promise of reward for the same) had been presented to His Majesty; and that His Majesty had commanded him to acquaint this House, that he will give directions accordingly.

His Majesty's *Proclamation*, issued in pursuance of the said Address, is as followeth :

By the KING.

A P R O C L A M A T I O N,

For apprehending John Wheble and R. Thompson.

G E O R G E R.

Whereas on the eighth day of February last, complaint being made to the House of Commons of the printed news-paper, entitled, The Gazetteer and New Daily Advertiser, Friday, February 8, 1771, printed for *R. Thompson*; and also of the printed news-paper, entitled, The Middlesex Journal, or Chronicle of Liberty, from Tuesday February 7, 1771, printed for *J. Wheble*, as misrepresenting the Speeches, and reflecting on several of the members of the said House, in contempt of the order, and in breach of the privilege, of the said House; it was ordered, that the said *J. Wheble* and *R. Thompson* should attend the said House of Commons; and they not having obeyed the said order, it was thereupon ordered, by the said House of Commons, that the said *J. Wheble* and *R. Thompson* should be taken into the custody of the Serjeant at Arms attending the said House, or his Deputy. And whereas the said Deputy Serjeant having informed the House, that he had not been able to meet with the said *J. Wheble* and *R. Thompson*, or either of them, though he had been several times at their respective houses, and had made diligent search after them, to take them into custody, an humble address hath been presented to us by the Knights, Citizens, and Burgesses, and the Commissioners for Shires and Burghs, in Parliament assembled, that we would be graciously pleased to issue our Royal *Proclamation*, for apprehending the said

John

this Parliament, many times in the last House of Commons, and I believe every precedent quoted, which could

John Wbeble and R. Thompson, with a promise of a reward for the same: we have thought fit, by and with the advice of our Privy Council, to issue this our Royal Proclamation, hereby requiring and commanding all our loving subjects *whatsoever* to discover and apprehend, or cause the said *John Wbeble* and *R. Thompson*, or either of them, to be discovered and apprehended, and to carry him or them before some of our Justices of the Peace, or Chief Magistrate, of the county, town, or place, where he or they shall be apprehended, who are respectively required to secure the said *John Wbeble* and *R. Thompson*, and thereof give speedy notice to one of our principal Secretaries of State, to the end he or they may be forthcoming, to be dealt withal and proceeded against according to law. And for the prevention of an escape of the said *John Wbeble* and *R. Thompson*, or either of them, into parts beyond the seas, we do require and command all our officers of the customs, and other our officers and subjects of and in our respective ports and maritime towns and places within our kingdom of Great Britain, that they, and every of them, in their respective places and stations, be careful and diligent in the examination of all persons that shall pass or endeavour to pass beyond the seas; and if they shall discover the said *John Wbeble* and *R. Thompson*, or either of them, then to cause him or them to be apprehended and secured, and give notice thereof as aforesaid. And we do hereby strictly charge and command all our loving subjects, as they will answer the contrary at their perils, that they do not any ways conceal, but do discover him or them, the said *John Wbeble* and *R. Thompson*, to the end he or they may be secured. And for the encouragement of all persons to be diligent and careful in endeavouring to discover and apprehend the said *John Wbeble* and *R. Thompson*, we do hereby further declare, that whosoever shall discover and apprehend the said *John Wbeble* and *R. Thompson*, or either of them, within three weeks from the date hereof, and shall bring him or them, the said *John Wbeble* and *R. Thompson*, before some justice of the peace or chief magistrate as aforesaid, shall have and receive, as a reward for the discovery, apprehending, and bringing the said *John Wbeble* and *R. Thompson*, or either of them, before such justice of the peace or chief magistrate as aforesaid, the sum of Fifty Pounds for each: which our Commissioners of our Treasury are hereby required and directed to pay accordingly.

Given at our Court at St. James's, the eighth day of March, 1771, in the eleventh year of our reign.

G O D save the K I N G.

John Wbeble was apprehended, and discharged by Mr. Wilkes, March 15, 1771. If administration had wished to have tried the legality of the King's Proclamation, they had the fullest evidence against Mr. Wilkes under his hand, for he wrote the same day an account of his conduct on that occasion to Lord Halifax, one of His Majesty's principal Secretaries of State. This was certainly the speedy notice required to be given to a Secretary of State by the Proclamation. Mr. Wilkes took this opportunity of renewing his correspondence with the Earl of Halifax.

could be produced, from times the most favourable, as well as the most hostile, to liberty, from the remarkable

Guildhall of London, March 15, 1771.

My Lord,

I had the honour of officiating this day as the Sitting Justice at Guildhall. *John Wheble* the Publisher of the *Middlesex Journal*; a freeman of London, was apprehended and brought before me by Edward Twine Carpenter, who appears to be neither a Constable, nor Peace-Officer of this City. I demanded of what crime Wheble was accused, and if oath had been made of his having committed any felony or breach of the peace, or if he lay under a suspicion strong enough to justify his apprehension or detention. Carpenter answered, that he did not accuse Wheble of any crime, but had apprehended him merely in consequence of *His Majesty's Proclamation*, for which he claimed the reward of 50*l.* As I found there was no legal cause of complaint against *Wheble*, I thought it clearly my duty to adjudge, that he had been apprehended in the City *illegally*, in direct violation of the rights of an Englishman, and of the chartered privileges of a citizen of this metropolis, and to *discharge* him. He then made a formal complaint of the assault upon him by Carpenter. I therefore bound him over to prosecute in a recognizance of 40*l.* and Carpenter to appear and answer the complaint at the next Quarter Sessions of the Peace for this City in a recognizance of 40*l.* himself, with two sureties in recognizance of 20*l.* each. I am, My Lord,

Your Lordship's most obedient,

Right Honourable the
Earl of Halifax.

humble Servant,

JOHN WILKES.

Extract from the Guildhall Rota Book.

Guildhall, March 15, 1771.

John Wheble, the Publisher of the *Middlesex Journal*, was this day brought before Mr. Alderman *Wilkes* at Guildhall, by Edward Twine Carpenter, a Printer, being apprehended by him in consequence of a *Proclamation* in the London Gazette of Saturday the 9th of March instant; but the said Edward Twine Carpenter not having any other reason for apprehending the said Mr. *Wheble* than what appeared in that *Proclamation*, the said Mr. *Wheble* was discharged; and then the said Mr. *Wheble* charged Carpenter for assaulting and unlawfully imprisoning him, and on his making oath of the offence, and entering into a recognizance to prosecute Carpenter at the next Session in London, Carpenter was ordered to find sureties to answer for this offence, which he did, himself being bound in 40*l.* and his two sureties in 20*l.* each, and was thereupon discharged.—Carpenter requested a Certificate of his having apprehended *Wheble*, which was given him.

Guildhall, March 15, 1771.

This is to certify, that *John Wheble* the Publisher of the *Middlesex Journal* was this day apprehended and brought before me, one of His Majesty's Justices of the Peace for the City of London, by Edward Twine Carpenter, of Hosier-Lane, London, Printer.

JOHN WILKES, Alderman.

markable case of Wollaston in the reign of King William, to that no less celebrated of Walpole, in the latter

On the application of *Carpenter* to the Treasury for the reward of 50*l.* promised in the King's *Proclamation*, and producing the above certificate, he was dismissed with insolence, and *that*, with many other royal debts, is still unpaid. *R. Thompson*, the other person described in His Majesty's *Proclamation*, was afterwards apprehended, and carried before Mr. Alderman Oliver, who discharged him.

The circumstances of the whole business of *Miller*, and the commitment of Mr. William Whitham, one of the messengers attending the House of Commons, are given in the "Report from the Committee appointed to examine into the several facts and circumstances relative to the late obstructions to the execution of the orders of this House," published by order of the House of Commons. I shall however add some other particulars not given at large in the Journals.

Copy of the Warrant for apprehending J. Miller, the Printer of the London Evening Post.

WHEREAS the House of Commons did, on Thursday the 14th of this instant March, adjudge and order, that J. Miller (for whom the news-paper intituled The London Evening Post, from Thursday March 7, to Saturday March 9, 1771, purports to be printed, and of which paper a complaint was made in the House of Commons on the said fourteenth day of March) be, for his contempt in not obeying the order of the said House upon Thursday the fourteenth day of this instant March, taken into the custody of the Serjeant at Arms, or his Deputy, attending the said House.

These are therefore to require you forthwith to take into your custody the body of the said J. Miller, and him safely keep *during the pleasure of the said House* and all Mayors, Bailiffs, Sheriffs, Under Sheriffs, Constables, and Headboroughs, and every other person are hereby required to be aiding and assisting to you or your Deputy in the execution thereof. For which this shall be your sufficient warrant. Given under my hand, the fifteenth day of March one thousand seven hundred and seventy-one.

FLR. NORTON, *Speaker.*

To Nicholas Bonfoy, Esq; Serjeant at Arms, attending the House of Commons, or John Clementson, Esq; his Deputy, or to William Whitham, one of the messengers attending the House of Commons.

To all and every the Constables and other Officers of the Peace for the City of London, and the Liberties thereof, whom these may concern, and to the Keeper of Wood-Street Compter.

London to wit,

These are in his Majesty's name, to command you, and every of you, forthwith safely to convey and deliver into the custody of the said Keeper, the body of William Whitham, being charged before us, three of his Majesty's Justices of the Peace in and for the said City and Liberties, by the oath of John Miller, Henry Page, John Topping, and Robert Page, for assaulting and unlawfully imprisoning him the said

John

ter end of Queen Anne. An Archangel descending among us would scarcely give a new, original idea on this

John Miller, in breach of his said Majesty's peace; whom you, the said Keeper, are hereby required to receive, and him in your custody safely keep, for want of sureties, until he shall be discharged by due course of law; and for your so doing this shall be to you, and to each of you, a sufficient warrant. Given under our hands and seals this 15th day of March, 1771.

BRASS CROSBY, Mayor, L. S.

JOHN WILKES, L. S.

RICHARD OLIVER, L. S.

Journals, March 20, 1771, vol. XXXIII. p. 275.

The Order of the day being read, for the attendance of Morgan, Clerk to the Lord Mayor of the City of London, with the Minutes, taken before the Lord Mayor, relative to the messenger of this House giving security for his appearance at the next General Quarter Sessions of the Peace for the City of London to answer to such indictments as may be preferred against him, for the supposed assault and false imprisonment of J. Miller.

And James Morgan, Clerk to the Lord Mayor, attending accordingly, he was called in; and the Book, containing the said Minutes, being produced by the said James Morgan, was brought up to the Table; and the Entry of the said Minutes therein contained, was read;

Ordered, That James Morgan, Clerk to the Lord Mayor, do at the Table *expunge* the said Entry.

And the said James Morgan *expunged* the said Entry at the Table accordingly.

Junius observes, *By mere violence, and without the shadow of right, they have EXPUNGED the record of a judicial proceeding. Nothing remained but to attribute to their own Vote a power of stopping the whole distribution of criminal and civil justice. Lord Chaubert very properly called this the ACT OF A MOB, not of a Senate.*

Junius, vol II. p. 160.

Journals, March 20, 1771, vol. XXXIII, p. 276.

Ordered, "That no other prosecution, suit, or proceeding, be commenced, or carried on, for or on account of the said pretended assault, or false imprisonment."

Notwithstanding this Order, *Mr. Wilkes* on the 8th of April 1771 delivered in at the Court of Quarter Sessions of the Peace at Guildhall the two following *Recognizances*, together with those of *John Wheble* and *Edward Twine Carpenter*, and another for a felony committed by Sarah Ferrand.

London to wit,

John Miller, of Pater-noster Row, London, Printer, 201.

Upon condition, that if the above bounden *John Miller* shall personally appear at the next Sessions of the Peace to be holden for the City of London, and then and there prosecute the law with effect, and give evidence on his Majesty's behalf, upon a bill

this subject. I shall therefore reserve myself, Sir,
for the reply, if I hear any material objections to the
motion

of indictment to be exhibited to the Grand Jury against *William Whitbam*, for assaulting and falsely imprisoning him the said *John Miller*, in breach of his said Majesty's peace: and in case the same shall be found and returned by the said Jury to be a true Bill; then if the said *John Miller* shall personally appear before the Jurors that shall pass on the trial of the said *William Whitbam*, to be holden for the said city at the Guildhall of the same city, then and there to prosecute and give evidence upon the said indictment, and not depart the Court without leave. Then this Recognizance to be void, or else to remain in full force.

Acknowledged at the Mansion House, London, the 15th day of March 1771,
before us

BRASS CROSBY, Mayor,
JOHN WILKES,
RICHARD OLIVER.

London to wit,

William Whitbam, of College-Street in the city of Westminster, Gentleman, 40l.

William Hurford, of the City of London, Coal Merchant, 20l.

Robert Withy, of Islington in the County of Middlesex, Gentleman, 20l.

Upon condition, that if the above bounden *William Whitbam* do personally appear at the next Sessions of the Peace to be holden for the City of London, then and there to answer such matters and things as shall be objected against him on his Majesty's behalf, and in particular for assaulting and falsely imprisoning *John Miller*, and in the mean time to keep the peace of our Sovereign Lord the King, and to be of good behaviour, and not depart the Court without licence; that then this Recognizance to be void and of none effect, or otherwise to be and remain in full force and virtue.

Taken and acknowledged at the Mansion House, London, this 15th Day of March, 1771, before us

BRASS CROSBY, Mayor,
JOHN WILKES,
RICHARD OLIVER.

The Grand Jury at Guildhall found the Bills of Indictment against *William Whitbam* and *Edward Tawne Carpenter*.

All the proceedings were afterwards moved by *Certiorari* into the King's Bench. The scene of the House of Commons and the Printers was finally closed by the Attorney-General's, *Thurlow's*, grant of the *Noli Prosequi*.

Mr. Wilkes received the following Order to attend the House of Commons on the 20th of March 1771.

House of Commons, Martis 19^o die Martii, 1771.

(C O P Y)

The House of Commons having yesterday received information that one of the Messengers of this House, after he had arrested J. Miller, by virtue of the warrant of the Speaker of the House of Commons, to answer for a contempt of the said House,

motion which I shall have the honour of submitting to the House. I can foresee only one objection, which I shall endeavour to obviate, and I hope the House will think that delicacy ought to yield to justice.

House, was carried by a constable upon a charge made against the said Messenger by the said J. Miller, for an assault and false imprisonment made upon the said J. Miller in the said arrest, before Brads Crosby, Esq. Lord Mayor of the City of London, where *John Wilkes, Esq.* Alderman, and Richard Oliver, Esq. were present; when the Deputy Serjeant at Arms, attending this House, acquainted the said Magistrates that the said arrest of the said J. Miller was made by the said Messenger under a warrant signed by the Speaker of the House of Commons; which warrant was then produced and shewn to the said Magistrates, and demanded of them that the said Messenger should be discharged, and the said J. Miller delivered up to the custody of the said messenger; and that the said Lord Mayor, *John Wilkes, Esq.* and Richard Oliver, Esq. after such information and demand as aforesaid, signed a warrant for the commitment of the said messenger to the Compter for the said supposed assault and false imprisonment of the said J. Miller, and obliged the said messenger to enter into a Recognizance for his appearance at the next quarter sessions of the peace to be held for the city of London, to answer to such indictments as should then be found against him for the said supposed assault and false imprisonment.

Ordered, that *John Wilkes, Esq.* do attend this House to-morrow morning.

J. HATSELL, Cl. Dom. Com.

London, March 20, 1771.

S I R,

"I this morning received an order commanding my attendance this day in the House of Commons. I observe that no notice is taken of me in your order as a Member of the House, and that I am not required to attend in my place. Both these circumstances, according to the settled form, ought to have been mentioned in my case, and I hold them absolutely indispensable. *In the name of the Freeholders of Middlesex, I again demand my seat in Parliament*, having the honour of being freely chosen, by a very great majority, one of the representatives for the said county. I am ready to take the oaths prescribed by law, and to give in my qualification as Knight of the Shire. When I have been admitted to my seat, I will immediately give the House the most exact detail, which will necessarily comprehend a full justification, of my conduct relative to the late illegal proclamation, equally injurious to the honour of the Crown, and the rights of the subject, and likewise the whole business of the printers. I have acted entirely from a sense of duty to this great City, whose franchises I am sworn to maintain; and to my country, whose noble constitution I reverence, and whose liberties at the price of my blood, to the last moment of my life, I will defend and support.

"I am, Sir, your humble servant, JOHN WILKES."

Rt. Hon. Sir Fletcher Norton,

Speaker of the House of Commons.

Gentlemen, I observe, have scruples of rescinding former Resolutions, not knowing, they say, where such a practice may stop. It is a scruple in my opinion very ill founded. The first great object is truth, and we ought to follow where that leads. It is a duty, Sir, which we owe in this case more particularly to *the people*; but, alas! their happiness, their security, their very lives are no longer the objects of consideration with our inhuman rulers, nor, as we have experienced, even of attention with the *majority* in this House*. If the last parliament have acted wrong, let us

Journals, March 20, 1771, vol. XXXIII. p. 275.

Ordered, That *John Wilkes*, Esquire, do attend this House upon Monday morning next.

Journals, March 25, 1771, vol. XXXIII. p. 286.

Ordered, That *John Wilkes*, Esquire, do attend this House upon this day fortnight, *the 8th day of April next*.

Journals, March 30, 1771, vol. XXXIII. p. 297.

And then the House *adjourned till Tuesday sevensnight, the 9th day of April next*.

Junius says, "upon their own principles, they should have committed *Mr. Wilkes*, who had been guilty of a greater offence than even the Lord Mayor or Alderman Oliver. But after repeatedly ordering him to attend, they at last *adjourned beyond the day appointed for his attendance*, and by this *mean, pitiful evasion, gave up the point*. Such is the force of conscious guilt."

Junius, vol. II. p. 163.

* The last Session gave a most indecent proof of the truth of this observation, as to the conduct of the present *Majority*. The honourable Temple Luttrell, Member for Milbourn Port, stated in a most masterly manner to the House the illegality of the *Press Warrants* then in force against the subject, and painted in all the colours of horror and despair, the cruelties and murders of the *Press-Gangs* let loose upon the people. He spoke with a perfect knowledge of the subject, with warmth and energy, but he spoke to an audience grown callous to all feelings for the public, to a set of men dead to every sentiment of humanity and love of their country, alert only to seize its plunder. He convinced the judgement by the clearest proofs and strongest arguments before he made an appeal to the passions. Among the variety of facts, by which he supported his motion, one only was sufficient to unite all the hardened sharers of the national spoil against the humane Bill, which he proposed on principles strictly just and constitutional. The single article of perquisites, extorted from a deserving part of the public, to the Board of Admiralty, and their *disinterested* first Lord, for *protections* during an *impress*,

us reform their errors. If they have established a wicked precedent, we ought to reverse it. If we have ourselves committed injustice, let us afford all the repara-

was stated to amount to above 14,000l. a year. The intended Bill would have been highly beneficial to the sailor, *by augmenting his wages, limiting his time of service, and providing for him under the infirmities of age*, and the subjects of the state would have enjoyed that security, to which they are entitled under every government; but the Board of Admiralty and Lord Sandwich would have lost annually 14,000l. Mr. Temple Luttrell was ably supported by Governor Johnstone, an officer of distinguished merit in the Royal Navy, a wise and spirited Senator, as well as a friend to the liberty of the subject. Sir George Savile, Sir Edward Aftley, the right honourable Thomas Townshend, Sir George Yonge, and several other gentlemen spoke in favour of the motion; but the majority refused even to receive the Bill, and to give it a first reading. The generous hopes of Mr. Luttrell to serve the cause of this free constitution and the Royal Navy were at that time blasted by the pestilential breath of corruption. The public, however, look up to his firm virtue, and the English sailor hopes merited rewards and protection, from his future efforts at a favourable moment, when the people may have it in their power to vindicate all their rights.

Votes of March 11, 1777.

A motion was made, and the question being put, "That leave be given to bring in a Bill, for the more easy and effectual Manning of the Royal Navy, in times of war, and for giving encouragement to seamen and sea-faring persons to enter voluntarily into His Majesty's service."

It passed in the negative.

The late Pensioner David Hume observes, "Tis a maxim in politics, which we readily admit as undisputed and universal, *That a power, however great, when granted by law to an eminent magistrate, is not so dangerous to liberty, as an authority, however inconsiderable, which he acquires from violence and usurpation.* The exercise of an *illegal* power is in the *pressing* of seamen tacitly permitted in the crown; and though it has frequently been under deliberation, how that power might be rendered legal, and granted under proper restrictions to the sovereign, no safe expedient could ever be proposed for that purpose, and the danger to liberty always appeared greater from law than from usurpation.—[*Mr. Hume did not live to see Mr. Luttrell's plan*]. A continued and open *usurpation* of the crown is permitted, amid the greatest jealousy and watchfulness in the people; nay proceeding from those very principles. Liberty, in a country of the highest liberty, is left entirely to its own defence, without any countenance or protection. The wild state of nature is renewed in one of the most civilized societies of mankind; and great violences and disorders among *the people, the most humane and the best natured*, are committed with impunity; while the one party pleads obedience to the supreme magistrate, the other the *sanction of fundamental laws*.

Essays and Treatises on several Subjects. By David Hume, Esq. vol. I. p. 408.

tion in our power. We have given the world a remarkable instance of our repentance this very session in the case of Mr. Rumbold and Mr. Sykes. On the 22d of November last the Order to the Attorney-General to prosecute Thomas Rumbold, Esq. and Francis Sykes, Esq. *as principal promoters and suborners of corrupt and wilful perjury* at the election for Shaftesbury, was discharged, on the motion of as respectable a Gentleman * as ever sat in parliament. The Order, however, was made by ourselves in the very last session, on the 14th of February preceding the reversal.

I have not yet, Sir, an inclination to quit the company of Messieurs Sykes and Rumbold. Their case will serve me farther in my reasonings. It is a strong argument against *Expulsion* necessarily including *Incapacitation*. I will suppose, Sir, that, instead of the House having determined, in April 1775, in the first session of the present parliament, that neither of those two gentlemen, on account of their notorious bribery and corruption at Shaftesbury, were duly elected, it had been voted that they were *guilty of being the principal promoters and suborners of wilful and corrupt Perjury*, a Resolution the House did actually come to in Feb. 1776, and in consequence of so black a crime they had been *expelled*. *Subornation of wilful and corrupt Perjury* is surely a most atrocious sin, and more merits *expulsion*, than the writing a Libel. Afterwards let me likewise suppose the House change their opinion, and find that they proceeded without sufficient evidence, a Resolution the House did actually come to in November 1776. By the courtly, but un-

* Sir George Savile, Baronet.

parliamentary, doctrine now pretended to be established, that *Expulsion* means *Incapacitation*, you would not have it in your power to restore them to their seats, although you were perfectly convinced of their innocence. Justice would call aloud upon you to do it, because it appeared that no *legal proof*, no *sufficient evidence*, was given, on which you had founded so rash, so unjustifiable a judgement. The cries of justice, however, would little avail with a venal senate against ministerial despotism, or a *royal edict* in the form of a *parliamentary resolution*. My first expulsion, Sir, in January 1764, was for being the *Author* of the *North Briton*, No. 45. Where is to this hour the *legal proof*, by the oaths of twelve of my countrymen, to be found of that charge? I have never even been tried upon that accusation. A court of law determined on a different charge, that of the *republishation*, a charge, which might have been brought against five hundred other persons.

As little delicacy, Sir, has been shewn by us to the *acts* of former parliaments, as to our own *resolutions*. Have we manifested any tenderness to the memory of the first parliament, which was called in his present Majesty's reign? That parliament declared, and declared truly, in the Civil List Act, that 800,000*l.* was "a *competent* revenue for defraying the expences of " his Majesty's Civil government, and supporting the " dignity of the crown of Great-Britain." Within these few days we declared that 800,000*l.* was not a *competent* sum, and " that for the better support of " his Majesty's household, and of the honour and dignity of the crown, there be granted to his Majesty, " during his life, out of the Aggregate Fund, the " clear

“ clear yearly sum of 100,000l. to commence from
 “ the 5th of January 1777, over and above the yearly
 “ sum of 800,000l. granted by an act made in the
 “ first year of his Majesty’s reign.” If the sum of
 800,000l. was *competent* to these great purposes, we
 had no right to vote more of the people’s money. We
 were *improvident*, and *prodigal* Trustees for the nation,
 not to use a more harsh expression. Let us hear no
 more of the amazing depth in finance of any modern
Sully *, or of a pretended *economy* in the management
 of the public, or the royal, revenues. We likewise
 voted the last week above 600,000l. as the last parlia-
 ment had above 500,000l., much above a million in
 all, on the same pretext of paying the *debts* of the
 King, when his Majesty had enjoyed a *competent* re-
 venue of 800,000l. clear of all deductions and con-
 tingencies, and those *debts* were of the most suspicious
 nature, even as to the independency of this House.
 Let us not, therefore, Sir, affect more tenderness for
 the last parliament in so flagrant an instance of injustice,
 as the case of the Middlesex Elections, than we have
 shewn to them, and to ourselves too, in other respects.
 We ought, if we are men of honour and principle, to
 do justice to all the electors of this kingdom, and by
 a formal repeal, to make satisfaction to those zealous

* Henry IV. and *Sully*, his great Minister of finance, were sacrificed by all the mercenary writers of the court in 1763 to George III and the Earl of *Bute*, his first Lord of the Treasury, with his incomparable *croupier*, *Sancho*, the Chancellor of the Exchequer, then *Sir Francis Dashwood*, now *Lord Le Despencer*. The moonshine beams of the two last satellites only fouled our *existed* Cyder and Perry, and then they sunk to all appearance beneath our horizon at the same moment, on the lamented 16th of April 1763. But the glorious luminary round which they moved, continues to warm us on this side the Atlantic with his refulgent rays, although perhaps he scorches our American brethren with his fierce beams.

defenders

defenders of liberty, the spirited freeholders of this injured and insulted county.

I desire, Sir, to recall to the memory of many gentlemen, what passed in this House in the last parliament on one of the great debates respecting the Middlesex Elections. A noble Lord, the darling of his country, as well as the favourite of our army, whose memory is dear to every Englishman, for he joined to the *bravery* of Cæsar all the mild and gentle qualities of our English hero, Edward the Black Prince, that noble Lord, Sir, stood up in his place here, and solemnly asked pardon of his country for having, as he said, wounded the constitution, and violated the rights and privileges of this kingdom by voting as he had done in this House in the business of the Middlesex Elections. He did not stop there. He was anxious to make public * reparation for a mistaken opinion—but of such moment—and he afterwards joined the *Opposition* in an important question respecting the discontents of the people on this very subject. We may all, Sir, imitate the love of justice and candour, if we cannot reach the high *courage* of that illustrious, immortal character, the late *Marquis of Granby*.

While the Resolution, which I have mentioned, is suffered to continue on our Journals, I shall believe, Sir, that the elective rights of the nation lie at the mercy of the Minister, that is in fact of the Crown, and that the dignity and independency of parliament are in danger of being entirely destroyed. It is evident, that

* *Lord Granby* himself thought proper to condemn, retract, and disavow, by a most solemn declaration in the House of Commons, that very system of political conduct, which *Junius* had held forth, to the disapprobation of the public.

Junius, vol. I. p. 51.

no gentleman now holds his seat by the choice of his constituents, but only by the good-will, and at the pleasure of the Minister, or by the Royal permission. The tenure is equally precarious, and unjust, for the constitution has clearly lodged in the people the right of being represented in this House, by the man, who is the object of *their* choice. A committee can never have but that single question to determine, provided the party is by law eligible, and has pursued only those methods, which are warranted by law. I will seize every opportunity of importuning, of conjuring, the House, if they have any reverence for the laws, utterly to rescind this unconstitutional and iniquitous resolution. We owe it to the present, and to every future, age, and therefore I move, “ that the Resolution of
 “ the House of the 17th of February 1769, *that John*
 “ *Wilkes, Esquire, having been, in this Session of Parlia-*
 “ *ment, expelled this House, was, and is, incapable of be-*
 “ *ing elected a Member to serve in this present Parliament,*
 “ be expunged from the Journals of this House, as be-
 “ ing subversive of the rights of the whole body of
 “ Electors of this kingdom.”

VOTES of May 9, 1777.

A Motion was made, and the Question being proposed,
 “ That an humble Address be presented to His Ma-
 “ jesty, to express the just sense this House enter-
 “ tains of His Majesty’s regard for the lasting wel-
 “ fare

“ fare and happiness of His People; and, as this
 “ House cannot omit any opportunity of shewing
 “ their zeal and regard for *His Majesty’s honour*, and
 “ the prosperity of His Family, humbly to beseech
 “ His Majesty, that, in consideration of the High
 “ rank and dignity of their Royal Highnesses the
 “ *Dukes of Gloucester and Cumberland*, He would be
 “ graciously pleased to make some addition to their
 “ annual income, out of the revenues cheerfully
 “ granted His Majesty, for the expences of the Civil
 “ Government, and better supporting the Honour
 “ and Dignity of the Crown; and to assure His Ma-
 “ jesty that this House will enable His Majesty ef-
 “ fectually to perform the same, as nothing will
 “ more conduce to the strengthening of His Ma-
 “ jesty’s government, than honourably supporting
 “ the Dignity of the different branches of the Royal
 “ Family.”

And the previous Question being put, “ That that
 “ Question be now put ;”

It passed in the negative.

Mr. Wilkes observed, that the * *two* honoured gen-
 tlemen with the *blushing ribbands*, who opposed the
 Motion, declared that they did it chiefly from what
 they thought *a want of delicacy to the Crown*, but that
 in his opinion the real honour and *delicacy of the Crown*
 were essentially and deeply wounded by the present un-

* Sir John Griffin Griffin, Member for Andover, and Sir George Howard,
 Member for Stamford, have *both* regiments in his Majesty’s service, *both* of cavalry,
 are *both* Lieutenants-General, and *both* Knights of the Bath.

Fortunati *ambo*—

Ambo animis, ambo insignes præstantibus armis.

Id est pietate prior.

VIRGIL.

happy

happy situation of our Sovereign's *own brothers*, which was of the most universal notoriety, and highly to be lamented; that the *elder* had been driven into a kind of honourable exile at *Rome*, and the *younger* was not enabled to support the dignity of his high birth and rank among us; that as to the case of the late Duke of Cumberland, which had been mentioned, although he enjoyed an income of above 40,000*l.* a year, he lived with his royal * Father, that great patron of *liberty*, by whom

* So excellent a King, that was to this—
Long his loss shall England weep,
Ne'er again his likeness see;
Long her strains in sorrow steep,
Strains of immortality.

SHAKESPEARE.

GRAY.

This humane Prince on many occasions ventured his life in the cause of *liberty*. His distinguished bravery at the battles of Oudenarde and Dettingen was the frequent subject of the unsuspected praise of our inveterate enemies, the French. He was always a steady friend to the liberties of mankind, and like the *former* princes of his house, and of the *Nassau* line, kept a watchful eye over the House of Bourbon, well knowing their determined enmity to this free government, and their long meditated schemes for grasping at *universal monarchy*. He often checked the restless ambition of France in its mad career, by the most firm, wise, and successful measures. At his death he left England in possession of the capitals of the French in Asia and America, and of many other important conquests there, as well as in Europe and Africa. The most valuable of these conquests were lost soon after by a stroke of his *grandson's* pen, which proved more fatal to England than all the swords of all our emperors.

It is justice to the memory of the late King to declare, that he no less endeavoured to make his people free and happy at home, than to carry the glory of the British arms to the highest pitch every where abroad. During his reign the *laws* were respected and obeyed. *Liberty* and *justice* sat with him on the throne. The execution of *Earl Ferrers* impressed all foreign nations with the greatest idea of the sacredness of our laws, and the protection they afford the meanest subject, under a firm and just sovereign. It was likewise believed, that if the *Court Martial* on Lord George Sackville had pronounced the sentence, which was expected by all Europe, the *justice* of his late Majesty would have ordered it to have been carried into execution.

The *penioned* Doctors, Shebbeare and Johnson, and all the other ministerial writers of the court, have been indefatigable for many years in vilifying the memory of our late Sovereign, and tearing the laurels from his tomb. The *first* address of the *House of Lords* to the present King, on Nov. 18, 1760, is the best confutation of all the volumes of a *legion* of these hirelings.

whom all the expences of his household were defrayed, and that he died unmarried, whereas the present King's Brothers were both married, and had, with very *incompetent* revenues, separate families and establishments, which constituted no part of his Majesty's household arrangements or expences. He added, that we ought not to be prodigal to the Sovereign, and penurious to his Brothers; that the whole illustrious House of Brunswick claimed our regard and gratitude; that the wisdom of Parliament should carry the House into a view of futurity, and of possible contingencies, to provide in all events for the public safety, good order, and tranquillity; that what the honourable * gentleman, who made the motion, had mentioned with due horror, of *our being obliged to fetch from Rome a Sovereign born and educated there*, was not so wild and absurd an idea as it had been represented by other gentlemen; that purple fevers, and various epidemical diseases, had sometimes in a very short period swept away whole families; that towards the beginning of this century several Dauphins of France had died within a few months of each other, and the Bourbon line was believed to be in some danger of being extinct; that the † numerous, immediate posterity of George II. had been reduced to a very small

"The long experience which we had of his royal virtues, the *benignity* of his government, and his *uniform care of our laws and liberties, not interrupted in any one instance*, during the course of so many years, demand from us the most grateful acknowledgements; and will make his memory as dear to us as the height and splendor to which *he* had raised the greatness of these kingdoms will render it glorious to all posterity."

After the demise of the crown, will there be found any *Lord prostitute* enough, will there be a *Sandwich*; to move such a paragraph in the *first Address of the House of Lords* to his present Majesty's *Successor*?

* Sir James Lowther, Baronet, Member for Cumberland.

† Every true friend of the House of Brunswick sees with affliction, *how rapidly* some of the principal branches of the family have dropped off.

Junius, vol. II. page 89.

number;

number; that all families might suffer these most cruel losses, but in cases of this great national concern, we could not be too provident, too vigilant for the general safety. *Mr. Wilkes* farther remarked, that it was impossible to misunderstand this business; that it was, “Will you drive the King’s *own Brothers* into exile?” or “degrade them to the rank of private noblemen?” or “will you shew your duty to the King, whose heart glows with all the tenderness of true *fraternal* affection, and testify your regard to the honour of the nation, by making a princely and *competent* provision for your Sovereign’s *own Brothers*, the two Royal Dukes, the children of England?” He concluded with expressing a pleasing hope, that the vote of every gentleman in the House would be governed by that liberality of sentiment, which ought to characterize the representatives of a great, powerful, and free people.

VOTES of Nov. 20, 1777.

Resolved,

“**T**HAT an humble Address be presented to his Majesty, to return his Majesty the thanks of this House, for his most gracious speech from the Throne. To assure his Majesty, that we take a sincere part in the confidence which his Majesty expresses,

“ presses, that the conduct and courage of his officers,
 “ and the spirit and intrepidity of his forces, both by
 “ sea and land, will, under the divine providence, be
 “ attended with important success—That we learn
 “ with much satisfaction, that his Majesty is for that
 “ purpose pursuing the proper measures, for keeping
 “ his land-forces complete to their present establish-
 “ ment; and that, whenever his Majesty shall be pleased
 “ to communicate to this House any new engagements,
 “ which he may have entered into for increasing his
 “ military force, we will take the same into our confi-
 “ deration; and we trust his Majesty will not be dis-
 “ pointed in the gracious sentiments which he enter-
 “ tains of the zeal and public spirit of his faithful
 “ Commons,” &c, &c.

The following amendment was moved by Lord
 Granby, and seconded by Lord John Cavendish, “ That
 “ this House does most humbly advise and supplicate
 “ his Majesty to be pleased to cause the most speedy
 “ and effectual measures to be taken, for restoring
 “ peace in America, and that no time may be lost in
 “ proposing an *immediate cessation of arms* there; in or-
 “ der to the opening of a treaty for the final settlement
 “ of the tranquillity of those invaluable provinces, by
 “ a removal of the unhappy causes of this ruinous ci-
 “ vil war, and by a just and adequate security against
 “ the return of the like calamities in times to come.
 “ And this House desire to offer the most dutiful assur-
 “ ances to his Majesty, that they will, in due time,
 “ cheerfully co-operate with the magnanimity and
 “ tender goodness of his Majesty, for the preservation
 “ of his people, by such explicit and most solemn de-
 “ clarations, and provisions of fundamental and irrevoc-

“ cable laws, as may be judged necessary for ascertain-
 “ ing and fixing for ever, the respective rights of Great
 “ Britain and her Colonies.”

Mr. Wilkes said,

Mr. Speaker,

By the established doctrine of Parliament, I am authorized to consider the first day of a new Session as peculiarly the day of the Minister, perhaps more peculiarly so than even the important day towards the close of the Session, which is regarded as the day of his triumph, and called his *opening the Budget*. On that day the Minister submits to the House *his* state of the finances of this kingdom, an account of the various sums voted during the Session, the ways and means he proposes of raising the supply, the certain and probable expences of the year, and in general the revenues and resources of the empire. This first day of a Session is still more interesting, and holds forth more important matter to our consideration. The Session is regularly opened by a speech from the Throne, but, although pronounced by the King, it is parliamentary language always to style it the speech of the Minister, that in a fair and full discussion of it, the sacred name of Majesty may not be made use of to controul or check that freedom of debate, which is the essence, and constitutes the great dignity, of an English House of Commons. *The Minister*, Sir, then in the speech gives us a general view of our situation both at home and abroad, the probability of the continuance of war or peace, the state of foreign powers, so far as they are likely to affect this Empire; and in short whatever has a relation

to our internal security, or foreign connections with the allies of the crown. But, Sir, this is only the Minister's *coup d'oeil* of the kingdom; his declaration of what he thinks the actual situation of public affairs. It is a kind of ministerial chart, which this House may adopt, or reject, at pleasure, and pursue the same, or a course directly opposite. I thought it necessary, Sir, to premise this before I go into the examination of the paper on our table, and I shall not scruple to avail myself of the right I claim, as one of the representatives of the people, to treat that production as containing merely a sketch of the Minister's sentiments, as the substance of the political creed, which he wishes to be received by the nation.

The speech, Sir, in my idea, clearly conveys to this House a firm resolution to continue this unnatural, unjust, and barbarous war, to our utter destruction. It breathes a spirit of unrelenting rage, cruelty and carnage, a savage thirst of blood. Yet the torrents of blood already shed, and the prodigious waste of national treasure, have hitherto been followed with no signal or splendid successes. In the third year of the war nothing decisive has happened. We are still bleeding at every vein to support this American contest, and I see no probability of a near and final period. We cannot but observe in the declaration of the Minister, *that* perseverance in error, *that* fatal obstinacy in the pursuance of this mischievous plan, which must end in the ruin of our country, and the complete establishment of another potent empire from the fragments of the British monarchy. Scarcely a faint gleam of hope dawns upon us. Ministers seem determined to rush on to only *imaginary* conquest, but *certain* irretrievable ruin; for if the war should be continued on the present wild and expensive

plan, it will effectually bankrupt the nation. We are told, Sir, in the speech, that the Minister has “ a just confidence that the conduct and courage of our officers, and the spirit and intrepidity of our forces, both by sea and land, will be attended with important success.” The high *spirit* and *courage* of Englishmen have never been doubted. Would to God, Sir, they were at this time exerted in a good cause, in a just and righteous quarrel! But, Sir, to this hour we know of no *important success*. We have scarcely a certainty of one favourable event of this year’s campaign. Even the Ministers tremble for the condition of General Burgoyne. I will however suppose, that every advantage, which the most sanguine friend of administration has propagated without proof, is at last authenticated, that Philadelphia is taken, and the army under General Washington totally defeated. Let us recollect, Sir, what passed after Boston was taken by the British forces. Our general was soon besieged in that capital of New England, ignominiously cooped up there many months with twenty regiments, and at last driven from thence. I know the colouring given to this retreat by the court party among us, and have been nauseated with the cant terms of our Generals *changing their quarters*, and *shifting their position*; but I know likewise that their artillery and stores were left behind. All the military men of this country now confess that the retreat of General Howe from Boston was an absolute flight. I believe it was as much so, as that of Mahomet from Mecca. Should Philadelphia be taken, we have indeed one more American town in our possession, if it is not reduced to ashes by us, like several other towns and villages. Shall

we be able to * keep Philadelphia longer than we did Boston? Will not experience warrant me to suspect, that before the winter is over, we shall hear of General Howe's being besieged in Philadelphia, and at last retreating from thence with the loss of his heavy cannon, and warlike stores, as he did from Boston? The object of the last year's campaign was the conquest of the two Jerseys. It succeeded. This year our troops have been obliged to evacuate both the Jerseys, which are lately declared to be *out of the King's peace*. I will likewise suppose, Sir, that the report of General Washington's defeat is confirmed, and the total dispersion of that army. I remember about a month before the affair of Trenton, the army of General Washington had so entirely melted away, that he had not five hundred men under his command: yet the prospect of success against the German mercenaries there gave him, at a critical moment, a small but spirited army; and the just vengeance of America proved fatal to almost the whole body of Hessians at Trenton. Admitting that General Washington has suffered a severe check, will he not be able to recruit from an immense tract of country devoted to his cause and person? Still, Sir, two other Provincial armies, in no small degree formidable, subsist; one in Massachusetts Bay, the other in South Carolina. They have received no check. They may march against the army of General Howe,

* "Pursuant to his Majesty's instructions, I evacuated Philadelphia on the 18th of June, at three o'clock in the morning."

Sir Henry Clinton's letter in the London Gazette
Extraordinary of Aug. 24, 1778.

"Lord Cornwallis with the British grenadiers, and two battalions of Hessian grenadiers, took possession of Philadelphia the next morning." [Sept. 26, 1777.]

London Gazette Extraordinary of Dec. 2, 1777.

reduced and weakened by the victories, which he is said to have gained. To give the strongest force to this reasoning, let me put the case of a general dispersion of the Provincial troops in America, and of the dissolution of the Congress. What conduct can Great Britain then pursue? How will you preserve a country which extends almost from Hudson's Bay to the southern extremity of Florida? Will you garrison all the towns of any consequence through that immense extent of territory? Will your army separate, and go into cantonments? If you do, wherever you are weak, you will be attacked, and your troops probably meet the fate of the Hessians at Trenton. But, Sir, this country neither has, nor can raise, an army adequate to these purposes; and if we could hire all the regimented savages of Germany and Russia, the common destroyers of the human race, we must sink under the expence. The nation would be beggared by the effort. The * noble Lord at the head of our finances would soon find all the pillars of public credit shaken to their foundations, and all the fountains of national wealth dried up and exhausted. On such terms America is not worth the holding.

I am aware, Sir, that it will be said, the Americans will, in case of general success on your part, give up the contest, and submit to the terms you prescribe. The late experience of General Burgoyne is the fullest answer to this objection. He tells us, that the very Provincials, who were most forward to *profess themselves loyalists, and to take the oaths of allegiance*, and submit

* Lord North, first Lord of the Treasury, and Chancellor of the Exchequer, member for Banbury.

to Lieutenant Colonel Baum, were *the first to fire upon him; that he was attacked on all sides, that he shewed great personal courage, but was overpowered by numbers.* In short, Sir, there was a total destruction of that detachment. Mr. Burgoyne highly blames a *Provincial gentleman for being so incautious as to leave at liberty such as took the oath of allegiance*, as if it were a better mode of persuading the others, to *confine* their countrymen the moment you consent to admit them to *swear allegiance*. Men are not converted, Sir, by the force of the bayonet at the breast, nor by imprisonment. It is employing the violence of the highwayman. He takes your purse indeed, but you recover it from him the instant you become stronger than the robber. Nor is this to be considered as treachery. It was a compact, not originating from free will, or mutual consent, but founded merely in force, and dissolved in the same manner. But I believe the Americans are neither to be cozened, nor by violence deprived of either liberty or property. I therefore recur, Sir, to the wise *amendment* to the Address, which the excellent * Lord has moved, to supplicate his Majesty, *that no time may be lost in proposing an immediate cessation of arms*, as the only means of beginning a treaty, and effecting a *reconciliation* with our American brethren. The hostile measures echoed to the throne in the ministerial address will be ineffectual, and only serve to strengthen the *independence* of the Colonies, and give additional vigour to their resistance. We cannot succeed by force, nor in this commercial country is the object worth our while, were it possible. Let us carry these plain and certain facts to the foot of the throne, and let Parliament hold

* The Masquis of Granby, Member for the University of Cambridge.

likewise to the nation the language of truth, a language very different from what we have hitherto heard from Ministers.

The nation, Sir, has been duped for several years by a succession of ministerial falsehoods. When the Boston Port Bill passed, the Minister declared that we should soon have America *at our feet*, for the rest of the Massachusetts Bay would desert Boston. The other provinces, he assured us, would, from a rooted jealousy, rejoice at her humiliation, and enjoy the prospect of dividing her trade. When the whole province became like one man, it was said the southern Colonies however disapproved the conduct of New-England. After both the southern and northern colonies united, and made a common cause, we were told that means were found to prevent the meeting of the Congress. General Gage publicly declared, that he would be *in the midst of them*. He chose however not then to *change his position*. The Congress met *without him*, and in a perfect spirit of unanimity, for their wranglings were never heard but by the gentlemen on our treasury bench, and the *Majority* of this House. The *non-importation* and *non-exportation* agreements were likewise declared impossible to subsist in a nest of known smugglers; yet time has shewn how strictly they have been preserved. It was likewise most confidently averred, that the *cowardly* Americans dare not assemble in arms, and that *two* regiments were sufficient to march through, and subdue, the rebellious colonies. This however must be acknowledged to be prior to the siege of General Howe, and the *twenty* regiments, in Boston. I will not, Sir, tire the House with recapitulating the regular succession of court tales and fictions.

They

They have long been the amusement of mankind, both at home and abroad. Even at the present period ministers give out, and affect to believe, that thirteen powerful colonies can be conquered, after having for three years baffled all the efforts of this country both by sea and land, trained and disciplined their people, settled to the satisfaction of the inhabitants their respective governments, raised large armies to serve during the war, provided for their pay, and collected immense stores of artillery, arms, and ammunition, seconded by the zeal of all America, and more than the good will and applause of all Europe—except the court faction among us. But, Sir, although America cannot be conquered, it may perhaps be regained by the mild arts of lenity and justice, by temper and moderation. The sword must first be sheathed, according to the proposed *amendment* of the noble Lord, and then we may talk of *peace* on fair and solid terms, on terms of equality as brethren, as heirs of the former glorious free constitution. I indulge the hope that things are not yet quite desperate. I am sure *peace* will be the greatest blessing to both countries. It is perhaps even more necessary for us than for them. The infant American state seems already to possess the strength and vigour of the *infant Hercules*, ready to be exerted in a similar manner, in subduing the monsters of tyranny, cruelty, and violence. Our exhausted state is well known to our enemies, who triumph in our fatal distractions, and are preparing to avail themselves of our sinking condition. Sir, I must again and again repeat, that in my humble sentiment a *reconciliation* with America is necessary for the salvation of this country. I mean a firm, lasting agreement with the Colonies on terms of a
just

just equality as to rights and privileges. Any other agreement would not be permanent; *that* alone would save us from the impending ruin. The answer of the *Præternates* to the *Romans* should govern us, *si bonam pacem, et fidam, et perpetuam—si malam, baud diuturnam*. The reception such an answer met with was worthy of the Roman people. Livy * says, *pars melior senatûs ad meliora responsum trahere et dicere, VIRI et LIBERI vocem auditam*.

The speech, Sir, seems to flatter us with a promise of attention to this great object, the restoration of peace to our distracted and dismembered empire. It says, “ I shall ever be watchful for an opportunity of “ putting a stop to the effusion of the blood of my “ subjects, and the *calamities*, which are *inseparable* “ from a state of war.” The Ministers, Sir, rejected with indignity one happy opportunity of putting a stop to the effusion of blood, when, even after the battles of Lexington, Concord, and Bunker’s Hill, the Congress humbly supplicated his Majesty, to direct some mode, by which the united application of his faithful colonists to the throne may be improved into a happy and permanent reconciliation. To the mad insult of the American Secretary, Lord Dartmouth, in September 1775, when he told the agents of the Colonies, in the King’s name, that no answer would be given, all the subsequent *calamities* of this civil war are to be attributed, and perhaps the loss of half our empire. Many *calamities*, Sir, are undoubtedly *inseparable from a state of war*; yet the present war against our brethren in America has been attended with peculiar circumstances of cruelty, which fill the mind with horror, with *calami-*

* Livy, lib. viii. c. 21.

ties which are not inseparable from a state of war. Are the *scalping-knife* and *tomahawk* necessary calamities of war? Are they *inseparable from it*? God forbid! I have read, Sir, a late proclamation of that great General and preacher, Mr. Burgoyne, which is shocking to a civilized and generous nation. As a state-paper it disgraces our country. The Imperial Court have often employed many kinds of irregular troops, Croats, Pandours, and Hussars; but their names disgrace no public act. If they plunder, they do not torture. The pious preacher, Mr. Burgoyne, complains of *this froward and stubborn generation*, and at the very moment of mentioning his *consciousness of Christianity*, displays a spirit of cruelty, which is repugnant to every principle of humanity. He boasts that *he will give stretch to the Indian forces under his direction, and they amount to thousands.* Merciful heaven! Thousands of Indian savages let loose, by the command of a British General, against our brethren in America! Human nature shrinks back from such a scene. *At his heels, leasht in, like hounds, should famine, sword, and fire, crouch for employment* *. Mr. Burgoyne's feelings as a man, I fear, will not hereafter be as universally acknowledged as the military talents of the great General. In the present case I have that pity for him, and his employers, which they have not shewn to others. What, Sir, has been, and still continues, the conduct of *Indian savages* in war? Is it not to exercise the most shocking cruelties on their enemies, without distinction of age or sex? The conduct of this war goes on a par with its principle. Has the feeble old man, the helpless infant, the defenceless female, ever

* Shakspeare's Prologue to King Henry V.

experienced the tender mercies of an *Indian savage*? He drinks the blood of his enemy, and his favourite repast is human flesh! Is a *stretch* given to thousands of these cannibals by the command, in a public manifesto, of one of the King's Generals? I am bold, Sir, to declare that such orders are unworthy the General of any Christian King. They are only becoming a Jewish priest to a Jewish King, in the most bloody and barbarous of all histories, the history of the Jewish nation. The orders of the Jewish priest were, *now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass**. General Burgoyne threatens the Americans with *all the vengeance of the state*, not its justice, that *the messengers of wrath will meet them in the field, devastation, famine, and every concomitant horror*. Not the sword of even-handed justice, falling only on the guilty heads of the bold rebels, but the savage tortures of a tomahawk from the *thousands* of Indians *under his direction*, on the innocent women and children. I remember, Sir, an honourable gentleman †, whom I see in his place, a gentleman very high in the law, not only humanely proposing, according to the ideas, and in the language of *his country*, but dwelling with rapture on what he classically called a *starvation bill* for the poor Americans. I rely, however, Sir, on the spirit and prowess of the *Americans*, that they will neither suffer the fate of the *Amalakites*, nor retaliate the attempt on the savages of Europe.

* 1 Samuel, chap. xv. ver. 3.

† Henry Dundas, Esq. Lord Advocate for Scotland, member for Edinburgh.

This year, Sir, we have again in the speech repeated assurances from foreign powers of their *pacific dispositions*. The noble Lord *, who moved the address, thinks *France will not change*, and the honourable gentleman †, who seconded the motion, assures the House of the *perfect amity* of the neighbouring powers. Can any *change*, Sir, be equally advantageous to *France* as a perseverance in the present system? America now pours all her wealth into the lap of the House of Bourbon, which sees her ancient enemy daily perishing by a fatal civil war. Even the Minister seems to awake from his long lethargy; for the speech says, “ at this time, when the armaments in the “ ports of France and Spain continue, it is thought “ advisable to make a considerable augmentation to “ our naval force.” Parliament ought to have been informed of the whole truth with respect to the treachery of *France*. I am sure, Sir, I shall not be contradicted, when I affirm, that France, the government of France, not covetly, nor underhand, not secretly by merchants only, but directly and openly as a government, assist the Americans. The two Congress ships of war, which had the engagement with the *Druid*, are now refitting at L’Orient, on the coast of Britainy, and furnished with every necessary from the French King’s stores at that place. The fact is well known to the Minister, and tamely submitted to; but this open insult on the nation is endeavoured to be carefully concealed.

The old ally of this nation, *Portugal*, is not honoured with the slightest mention in the speech. I will

* Lord Hyde, member for Christchurch.

† Sir Gilbert Elliot, Baronet, member for Roxburghshire.

give the House the reason. Portugal is not only lost to us, but is become an acquisition to the House of Bourbon, by acceding to the *Family Compact* *. By that treaty, Sir, the substance of which was published in the French Gazette, all the subjects of the House of Bourbon were to be equally favoured with the natives of each respective state, as to every privilege of navigation and commerce. Such a treaty, Sir, directly militates against many former treaties, of Utrecht, Aix-la-Chapelle, and others, particularly those with Spain †. It will be a fatal blow to the commercial interests of

* The *Family Compact* is a Treaty of the most alarming nature to all Europe. An abstract of it is given in the "Journal Historique ou Fastes du Règne de Louis XV." printed at Paris in 2 vol. 8vo. in 1776, with the French King's privilege.

"15 Aout, 1761.

"Le Roi et le roi d'Espagne concluent un traité ou *pacte de famille*, tant pour eux que pour le roi des deux Siciles, et l'infant Duc de Parme, contenant 28 articles, par lesquels ils établissent entre eux une alliance perpétuelle, convenant de re-garder à l'avenir comme ennemie toute puissance ennemie de l'un d'eux, et se garantissant réciproquement leurs états dans quelques parties du monde qu'ils soient situés, suivant l'état où ils se trouveront en paix avec les autres puissances; s'obligeant de se fournir les secours nécessaires, de faire la guerre conjointement, et de ne point faire de paix séparée l'un de l'autre. Ce traité porte encore suppression du droit d'aubaine en France, en faveur des sujets des rois d'Espagne et de Sicile; et convention expresse, que les sujets des trois couronnes jouiront, dans leurs états réciproques, des mêmes droits, privilèges et exemptions que les nationaux par rapport à la navigation et au commerce, sans que les autres puissances de l'Europe puissent être admises à cette alliance de famille, ni prétendre, pour leurs sujets, le même traitement dans les états des trois couronnes.

"Les ratifications de ce traité furent échangées le 8 Septembre." Vol. II. p. 700.

† The 9th article of the treaty of peace between Great Britain and Spain, concluded at Utrecht the 13th of July, 1713, is in these words.

IX. It is further agreed and concluded, as a general rule, that all and singular the subjects of each kingdom shall, in all countries and places, on both sides, have and enjoy the same privileges, liberties, and immunities, as to all duties, impositions, or customs whatsoever, relating to persons, goods, and merchandizes, ships, freights, seamen, navigation, and commerce; and shall have the like favour in all things as the subjects of France, or any other foreign nation, the most favoured, have, possess, and enjoy, or at any time hereafter may have, possess, or enjoy.

this kingdom, whenever it is carried into execution by the whole House of Bourbon.

An universal gloom, Sir, seems to be spreading over our political hemisphere ; yet we are called upon by Ministers to address the throne in such terms, as if we were only suffering a slight and transient misfortune, not groaning under the load of exorbitant and enormous taxes, and on the brink of ruin. Since the late augmentation of the Civil List, we seem to be wonderfully improved in *chirping* addresses. This is not, however, a *piping time of peace*. Compliments during the calamity of a wide extended civil war, brought on by ministerial oppression, are absurd. The prospect from America is covered with clouds and darkness. A pleasing ray of light seems at the present moment to beam upon us from the noble Lord's proposition for an *immediate cessation of arms*. If *that* is rejected, I fear the nation will sink in despair. *That* proposition I consider as the first, most necessary step to a reconciliation. After a *cessation of arms*, I hope our fleets and armies will be withdrawn, all the late unjust acts repealed, and the charters restored. Let us treat with the liberal spirit of freemen and Englishmen. *Unconditional submission*, is *unconstitutional submission*, and becomes only the slaves of an arbitrary monarch. Force against the vast American continent, we have found, avails us nothing. All coercion appears to be impossible. The attempts of violence have been followed with deep distress, disgrace, shame, and disappointment. Let us, therefore, at last hear, and obey, the voice of reason, which calls aloud upon us to save ourselves and our brethren. The times teem with events, which must determine the
fate

fate of this once great and powerful empire. Let us be guided by the principles of lenity and justice, that the blessings of peace and union may be restored, and permanently remain, to the whole empire.

VOTES of Dec. 10, 1777.

The House was moved, That an Act, made in the 6th year of the reign of his present Majesty, intituled, "An Act for the better securing the dependency of his Majesty's dominions in *America*, upon the Crown and Parliament of Great Britain," might be read.

And the same being read accordingly ;

A motion was made, and the question being proposed, that leave be given to bring in a bill, to repeal the said Act.

And the previous question being put, that that question being now put,

It passed in the negative.

Mr. *Wilkes* said,

Mr. Speaker,

I chose, from motives of policy, to delay the motion, which I mean now to submit to the House, till the establishments both of the navy and army for the ensuing year were compleated. After such prodigious preparations for war, after every single article
which;

which the Ministers have asked, has been granted, we are armed at every point for the vigorous prosecution of hostilities, we may, with more appearance of dignity, hold out propositions for peace. This House, Sir, has voted 60,000 seamen, including near 12,000 marines, above 20,000 effective landmen, commission and non-commission officers included, for guards, garrisons, and the forces to be kept up in Great Britain, Jersey, and Guernsey. We have besides in our pay five battalions of Hanoverians, actually in garrison, to the eternal reproach of England, at Gibraltar and Minorca; the various troops of Hesse Cassel, Hanau, Waldeck, Brandebourg-Anspach, and Anhalt-Zerbst, amounting to above 69,000 of those mercenaries; in all, a land army of more than 89,000 men. This House has not yet been assembled three weeks, and we have already voted away of the people's money no less a sum than 8,643,004*l*. I believe this is only the sixteenth day since the opening of the Session. Every day of the present Session has therefore, on an average, cost the people above 500,000*l*. What a relief to their fears, Sir, will be the adjournment, which Ministers have just mentioned, of near six weeks? How much it will augment the festivity of the season? Yet I fear, Sir, it will prove only a temporary relief; and that Ministers retreat for a short time, to return with redoubled force and fury, to lay fresh burdens and additional impositions on this exhausted nation.

Amidst all these amazing preparations for war, scarcely a thought of, or a sigh for, peace, seems to obtrude upon, or escape, any one of our Ministers. What single step has been taken by administration to put an end to this ruinous war, and to prevent the farther effusion of

human blood ? A noble Lord * on this side the House, who is the worthy heir of the patriotic virtues of an illustrious father, proposed on the first day of this Session an *immediate cessation of arms* ; but the proposition was rejected by a great majority. Scarcely a hint of a wish for peace has been made by any member of administration. I will not, however, Sir, be dispirited. Some late events, unknown to the House at that time, may induce the most violent to listen to those healing measures, which, in the insolence of our imagined triumphs, we rejected with disdain. The preliminary of peace, which I shall take the liberty of submitting to the House, strikes at the root of the evil, the confessed cause and origin of the American war. I mean, Sir, the right of *taxation*, which is enacted in the *Declaratory Act*, the repeal of which I shall presently move. I believe, Sir, according to the forms of the House, I must first desire the clerk to read that act. It is the sixth of the King, chapter the twelfth.

[The Clerk reads].

To make laws to bind the Colonies and people of America in all cases whatsoever! I believe, Sir, this is the shortest compendium of slavery ever given. It is the broadest basis of tyranny. *In all cases whatsoever!* therefore in *taxation*. Three millions of freemen to be taxed at the arbitrary will and pleasure of this House, without a single person to represent them, or to control the expenditure of their money ! If the Americans could tamely submit to this, they would deserve to be slaves. They ought to be more contemned than the Cappadocians of infamous memory, who re-

* The Marquis of Granby, member for the University of Cambridge.

fused the liberty, which was offered them by the Romans. If we can take a part of their property without their consent, we can take the whole. It is impossible to draw the line. This House might vote away the whole property of America without the consent of one man on that vast continent. The very supposition is not only repugnant to every idea of the common rights of mankind, but *it is against the franchises of the land for freemen to be taxed but by their consent in parliament*, as Lord Coke declares. We know by the law of England, that the protestant subjects of our Colonies in America are intitled to all the liberties, privileges, and immunities, of the natural-born subjects of this kingdom. The next step to *taxation* naturally follows. Ministers might apply an American revenue to the advancement of their own profligate plans, perhaps to the same base purposes as the taxes levied among us, to the augmentation of an enormous civil list, to increase the overgrown influence of the Crown, and corrupt the representatives of the people. Even without any *taxation* we have experienced that the whole produce of American industry centered in Great Britain. I do not intend, Sir, to go into a disquisition of the stale question of *taxation* and *representation*, nor the wretched nonsense of a *virtual representation* here of three millions of subjects on the other side the Atlantic. I remember once before to have fully argued those questions. I shall now confine myself to the repeal of the *Declaratory Act*, and the other acts injurious to the freedom of America. Without this repeal we cannot, I am satisfied, have *peace*, nor I believe would the Americans treat with you on any other terms. They proceeded, at the beginning, with

wonderful temper and coolness ; but at last they summed up all their injuries as comprised in the *Declaratory Act*, which they reprobated with spirit. While this act remains in the Statute Book, you never can think of any negociation with the Congress. The first Congress, which met in 1774, acted with prudence and calm dignity, with moderation and magnanimity. They did not directly attack the *Declaratory Act*. They knew it had passed in an administration composed of men who had declared themselves friends to American freedom, and had actually repealed the "Stamp Act." They considered it as a *brutum fulmen* on the part of this country. They, in dutiful terms, solicited the repeal of the "Boston Port Bill," the "Massachusetts Charter Bill," and that monster of despotism and popery, the "Quebec Act ;" but they passed over in silence the "Declaratory Act." Yet, Sir, although no express mention was made of that Act, they put in the strongest protest against the claim, or exercise, of any such powers in their very *first* resolution. It is of Oct. 14, 1774. "The inhabitants of the English Colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights. *Resolved*, *ne mine contradicente*, that they are intitled to life, liberty, and *property*, and they have never ceded to any sovereign power whatever *a right to dispose of either without their consent.*"

In the year following, the second Congress, finding all their endeavours here for a redress of their grievances ineffectual, thought it necessary to hold out a kind of *ultimatum*

matum to this country, and to speak the plain, full, manly language of injured freemen. In a “ Declaration by the representatives of the United Colonies of North America, now met in *Congress* at Philadelphia, setting forth the causes and necessity of their taking up arms,” July 6, 1775, it is said, “ we for ten years incessantly and ineffectually besieged the throne as supplicants; we reasoned, we remonstrated with Parliament, in the most mild and decent language. Parliament have undertaken to give and grant our money without our consent, though we have ever exercised an exclusive right to dispose of our own property, &c. &c. &c. But why should we enumerate our injuries in detail? By *one Statute* it is declared, that *Parliament can of right make laws to bind us in all cases whatsoever*. What is to defend us against so enormous, so unlimited a power? Not a single man of those who assume it, is chosen by us, or is subject to our control or influence; but on the contrary, they are all of them exempt from the operation of such laws, and an American revenue, if not diverted from the ostensible purposes for which it is raised, would actually lighten their own burdens in proportion as they increase ours.” This *one Statute*, the *Declaratory Act*, is the fountain, from which not only *waters of bitterness*, but rivers of blood, have flowed.

I ought, Sir, in justice to the *Congress*, to take notice, that even after this they presented a most humble and dutiful petition to the King. From the ill-judged reply of the American Secretary, *that no answer would be given*, I suppose every idea of obtaining a redress of their numerous grievances vanished. Yet in this very

Declaration they say, “ we shall lay down our arms, “ *when hostilities shall cease* on the part of the aggressors, and all danger of their being renewed shall be “ removed, and *not before.*” I will venture, Sir, to do this much injured body of men justice on another subject against the false and malevolent assertions of the noble * Lord at the head of the American department. His Lordship declared to us in the most explicit terms, “ that the *Congress* had endeavoured to engage the Indian savages in their service, and would have employed them in the war.” It is well known in what manner they must always be employed, not in the use of the sword and bayonet, of which they are ignorant, but of the scalping knife, and tomohawk, in which they are expert. The *Congress*, Sir, in the true heroic spirit of *bravery*, which *mercy* always accompanies, reprobated the idea of torture and cruelty. They determined on fair, honourable war, unstained by murder or massacre. I will convict his Lordship on the fullest evidence of the grossest imposition on this House, and of a violation of truth. The *Journals of the Congress*, Sir, both that of 1774 and 1775, have been as regularly published to the world, as the *Votes of the House of Commons* are by you, Mr. Speaker. In the *Journal* of June 30, 1775, I find the following words, “ Resolved, that “ the Committee for Indian affairs do prepare proper “ talks to the several tribes of Indians, for engaging “ the continuance of their friendship to us, and *neutrality* in our present unhappy dispute with Great Britain.” This was, Sir, after the provocations of the repeated slaughter of their friends at Lexington, Concord, and Bunker’s Hill. But, Sir, although the *Con-*

* Lord George Germaine, Member for East Grinstead.

gress refused to ask the barbarous aid of the *savages*, the King's general most readily and with eagerness employed them. He boasts of it in his *Proclamation* of last June. No man, Sir, who has read that *Proclamation*, and Major General Gates's letter, will shed the tear of pity over the misfortunes of Mr. Burgoyne. Major General Gates says in his letter of Aug. 28, to Mr. President Hancock, "*the horrid murders and scalp-*
ings paid for and encouraged by Lieutenant General Bur-
goyne, previous to his defeat at Bennington, will for ever stain the honour of the British arms. In one house the parents with six children were *most cruelly*
butchered." Is this, Sir, *the mercy of the King*, which General Burgoyne in his Proclamation says, *his Majesty's numerous armies and fleets in every quarter of America were to display as well as his power and justice?* He succeeded to irritate, not to intimidate, his enemies. But, Sir, although I do not feel the least spark of compassion for the fate of Mr. Burgoyne, I truly commiserate the situation of the troops with him. I regret the loss of the brave soldiers who perished in the action, and I pity those who survive. I am sorry that 800 valiant English and Germans were killed in a bad cause, in fighting against the best constitution on earth. Sir, it was inscribed on the tombs of the 300 Spartans, who at *Thermopylae* devoted themselves to a glorious death for the liberties of Greece, *Passenger, go tell at Sparta, that we died for having obeyed her holy laws.* It ought to be engraven on the tombs of the 800 who fell in the late action, *Passenger, go tell in England, that we died for having violated her holy constitution;* for such, in my opinion, is the case of every man, who has in this civil war drawn his sword against our brethren in America, and

perished in the conflict. The situation, Sir, of those who survive, is to be commiserated, not so much for the calamities which they have suffered, calamities brought on by themselves, as for the loss of honour, which, if we are rightly informed, has accompanied the circumstances of their defeat and surrender. The terms of the *Capitulation* for General Burgoyne, and the veteran troops under his command, are stated to be, delivering up their arms, being permitted without molestation to embark for Europe, and not serving against the Americans during the war. They have then put themselves *hors de combat*. They have agreed no more to face these cowardly Americans. They consent, not to measure swords again with their conquerors during the war; not to make a single effort to recover their lost laurels. If they had surrendered prisoners of war, they might have been exchanged, and the fortune of war crowned them with future victories. *That* chance they have given up as well as their *arms*. We have now scarcely a company of foot *in arms* in all the northern Colonies, except Canada. The English at the battles of Preston-Pans and Falkirk suffered two most ignominious defeats. There was however no capitulation that the vanquished troops should not serve against the same enemies during the remainder of the war. At Culloden they washed away the foul stain of that national disgrace in the blood of those perjured Scots, rebels against a mild prince, and an equal system of laws. It is, Sir, very remarkable, that the same men, who styled at that time the Scottish rebels *insurgents* now call the American *insurgents* by the name of *rebels*. I will never, Sir, adopt the appellation. I think the Americans are fighting in a good cause for the defence of
their

their just *privileges*, and chartered, as well as innate, rights. I am sure the proudest and most despotic court in Europe, that of Vienna, would not have treated their subjects in the manner this court has treated the Americans, I mean as *rebels*. When the present Empress Queen, then only Queen of Hungary, succeeded her father, the Emperor Charles VI. in 1740, she secured the affections of her Hungarian subjects by readily taking the old oath of the Sovereign of that country, established in 1222. The greatest * genius in Europe gives it us at full length. *If I, or any of my successors, at any time, should attempt to infringe your PRIVILEGES, you, and your posterity, are permitted, by virtue of this promise, to defend yourselves, without being liable to be treated as REBELS.* If the ancestors of the present Empress Queen had been as wise, the House of Austria would not have lost Switzerland, as they did by injustice and oppression. The Americans, Sir, I think, are now defending the *privileges* of every subject of the British empire, as well as their own. If this country did justice to the same spirit of freedom in them, which we applaud in our ancestors, we should admire their heroism, and be eager to repeal all those acts which are undoubted badges of slavery, particularly the *Declaratory Act*, which I shall always consider as an invasion of the people's rights. Till we do that, we can have no rational hope of any reconciliation. The des-

* Voltaire says, Marie-Thérèse, épouse du Grand Duc de Toscane François de Lorraine, gagna surtout l'esprit des Hongrois en se fonnant à prêter l'ancien serment du roi André II. fait l'an 1222. Si moi ou quelques uns de mes successeurs, en quelque tems que ce soit, veut enfreindre vos privilèges, qu'il vous soit permis en vertu de cette promesse, à vous et à vos descendans, de vous défendre, sans pouvoir être traités de rebelles.

In the margin he adds these words, *serment singulier et quine devait pas l'être.* Voltaire, Siècle de Louis XIV. Tom. iii. p. 429.

perate situation of our affairs, from the variety of circumstances which have been stated, and the late *capitulation* of a whole army, prove this absolute necessity of terminating the bloody civil war, this general savage Indian massacre.

The *Declaratory Act*, which we had no right to pass, will never be submitted to by the freemen on the other side the Atlantic. The spirit of it is hostile in the extreme to liberty. *To bind the subject in all cases whatsoever!* It is a charter of slavery. I deny the principle of this act as much at home as in America. We ridiculously of late bewilder ourselves with frantic, high-flown, sonorous expressions of the *omnipotence of Parliament*. The gentlest natures appear too fond of power, although they do not abuse it. There are many things, which Parliament cannot do; many *cases*, in which it has no power. We cannot vote ourselves perpetual. We cannot fill up our vacancies, as the late House of Commons indeed did in the case of the Middlesex election, but all good men abhorred the usurpation, and the nation were almost unanimous in their remonstrances against it. We are merely a delegated power from the people, and in that capacity only a third part of the legislature. We cannot therefore surrender their share of power, by whose favour alone we acquire the right of giving any vote in this House. It would be treachery, and even *rebellion*, in the servant against the master. Can we, Sir, repeal *Magna Charta*? Has this House the power to establish the *Mahometan* religion? Government is only a trust from the people for their good, and in several instances so far from possessing an absolute power, we ought to acknowledge, that we have no power at all. I will never admit arbitrary power to be

be lodged in any man, or body of men. Many things are so closely woven in with the constitution, like the trial by jury, that they cannot be separated, unless the body of the people expressly declare otherwise, after free and full consideration. There are fundamental, inalienable rights, land-marks of the constitution, which cannot be removed. The *omnipotence of Parliament* therefore, which is contended for, seems to me a false and dangerous doctrine.

I have great reverence, Sir, for the memory of that whig administration, which passed the *Declaratory Act*. I speak as a public man. I honour them for their spirited resolutions against *general warrants*, and the *seizure of papers*, by which the personal liberty of the subject; and the most important secrets of life, were rendered sacred and inviolable. I highly applaud the turning the exciseman out of private houses by the repeal of the *Cyder-Tax*. The negotiation for the Manilla ransom, which so deeply interested many of our bravest men in the navy and army, revived under their auspices; but alas! after many faint and feeble efforts it languished and expired. Many excellent regulations of trade and commerce were made by them. But, Sir, I should have thought all their glories sullied by the passing of this *Declaratory Act*, which pretends to establish a claim of unlimited authority over the Colonies, if I did not believe it was a kind of force on that administration, a sort of compromise with the traitors, at home for the repeal of the *Stamp-Act*, which had thrown the whole empire into convulsions. The *Stamp-Act* ought, in my idea, to have been repealed on the first great principles of justice, not on
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the narrow ground of political expediency, or from any commercial motives. I was abroad at the time, and may have been misinformed; but if I am not, the repeal was absolutely necessary to lay the storm, which raged with the greatest fury, both here among the merchants, and in North America, after the passing of the *Stamp Act*. The repeal was warmly opposed by * some of the royal family, and the *favourite* in the House of Lords, by his family and friends in both Houses, by the whole cabinet, the Lords of the Bed-chamber, and almost all the King's and Queen's households. Perhaps the repeal had not been carried, but by the compromise of this *Declaratory Act*. I am satisfied, that the administration, which passed *that Act*, never intended to enforce it, at least by *taxation*. The new ministry however in the succeeding year built on this solid foundation of a right to taxation, which they saw was established for them. They laid duties on tea, glass, red and white lead, painter's colours, and other things. The right had been ascertained by their predecessors. The only objections, which could now be made, were the inexpediency and impolicy of the ex-

* The Duke of York, the Earl of Bute, Lord Mount Stuart, Right Hon. James Stuart Mackenzie, Earl Talbot, Lord Steward of his Majesty's Household, Duke of Ancafter, Master of the Horse to the Queen, Earls of Oxford, Denbigh, Buckinghamshire, Orford, Coventry, Eglington, and Lord Robert Bertie, Lords of the Bedchamber to the King, Earl Harcourt, Lord Chamberlain to the Queen, William Blackstone, Esq; Solicitor General to the Queen, Right Honourable Gilbert Elliot, Treasurer of the King's Chamber, Thomas Gilbert, Esq; Comptroller of the King's Wardrobe, David Græme, Esq; Secretary to the Queen, Charles Jenkinson, Esq; Auditor of Accounts to the Princess Dowager of Wales, John Manners, Esq; House-keeper at Whitehall, Samuel Martin, Esq; Treasurer to the Princess Dowager of Wales, Honourable Archibald Montgomery, Esq; Equerry to the Queen, John Mostyn, Esq; Edmund Nugent, Esq; and Henry Seymour, Esq; Grooms of the Bedchamber to the King, Honourable Henry St. John, Groom of the Bedchamber to the Duke of York, Henry Wauchope, Esq; Deputy Privy Purse to his Majesty, General *Burgoyne*, Lord Barrington, &c. &c. &c. voted against the Repeal of the Stamp Act.

ercise in those instances, and at that period. If I had been in England, Sir, at that time, and in parliament, I should strenuously have opposed the principle of the *Declaratory Act*; but I was forced into a cruel exile and outlawry by the wickedness and injustice of one administration, and kept abroad by the tameness and timidity of another. I was persecuted with extreme rage and violence by a set of men who thought themselves injured, and abandoned by those I had essentially served, who before encouraged me, and approved my conduct. I was made their *scape-goat*, doomed to bear into the wilderness the sins and iniquities of a great political party, when in opposition. Surely, Sir; their sins and iniquities must have been of a deep dye, and remain still unexpiated, for *ipse aries etiam nunc vellera siccet*. I would, Sir, in this important business of the *repeal* of the *Declaratory Act*, persuade myself that there is not an obstinacy of opinion, a tenaciousness of adhering to what we have once done, merely because we have done it. It seems very clear, that we can have no peace, till *the accursed thing is removed from our camp*. From that happy moment I should hope the rude clamours of war would cease, and the gentle voice of peace be heard. I trust therefore in this time of *general consternation*, in this day of distress and disgrace to our country, that there will be a perfect union of sentiment among us, an universal concurrence in this first preliminary of *peace*.

I have only mentioned, Sir, the repeal of the *Declaratory Act*, but I mean afterwards to submit to the House another motion for the repeal of the whole system of new statutes and regulations respecting America since the year 1763. I fix on that period, because the Congress complain
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of nothing prior to that æra. They have never hinted at the repeal of the *Navigation Act*, nor any other acts before that year. In the petition of the Congress to the King, in October 1774, they say, “ from this destructive system of colony administration, adopted *since the conclusion of the last war*, have flowed those distresses, dangers, fears, and jealousies, that overwhelm your Majesty’s dutiful colonies with affliction; and we defy our most subtle and inveterate enemies to trace the unhappy differences between Great Britain and these Colonies from an early period, or from other causes than we have assigned, &c. &c. We present this petition only to obtain redress of grievances, and relief from fears and jealousies, occasioned by the system of statutes and regulations adopted *since the close of the last war*.” In the same year the Congress declared to the people of Great Britain, “ place us in the same situation that we were at *the close of the last war*, and our former harmony will be restored.” It is an explicit offer of a compact between the two countries. Their language was exactly the same in the following year, in their last petition to the Throne. “ They were alarmed by a new system of statutes and regulations, adopted for the administration of the Colonies, that filled their minds with the most painful fears and jealousies.” Here then, Sir, Great Britain is at issue with the Colonies. Repeal these unjust and injurious *Acts*, and our former harmony will be restored. We shall hear no more of the sword and bayonet on one side, nor the *scalping-knife* and *tomahawk* on the other. There will be no more effusion of human blood, no heart-piercing cries of whole families most cruelly butchered, or expiring under tortures.

I fear,

I fear, Sir, that I have intruded too long on the patience of the House. I wish not to tire gentlemen. I am sure, I had rather hear any voice than my own within these walls; but I must beg, on a business of this moment, a little farther indulgence to give, as briefly as I can, a general account of the other *Acts*, which I hope will be repealed. I begin with the fourth of the King. From that period of this inauspicious and inglorious reign, a regular and uniform system of attack on the rights and privileges, both of America and Great Britain, has been, except during a short interval, invariably pursued, under the direction, I believe, of the *real* Minister. We shall now see how this system has operated in a variety of *Acts* against our brethren in the Colonies of North America. The fourth of the King, chap. 15. is, “An Act for granting certain duties in the British Colonies and Plantations in America, &c.” Another Act of the same year is chap. 34. “An Act to prevent paper bills of credit, hereafter to be issued in any of his Majesty’s Colonies or Plantations in America, from being declared to be a legal tender in payments of money, &c.” In the following year the “Act to alter certain rates of postage, &c.” In the sixth of the King, “An Act for repealing certain duties in the British Colonies and Plantations, &c. and for granting other duties instead thereof, &c &c.” The subsequent year teemed with two births fatal to American liberty. I mean the “Act to enable his Majesty to put the customs and other duties in the British dominions in America, &c. under the management of *Commissioners*, &c.” I must, however, declare, that I believe the hope of providing for the numberless

hungry dependents and sycophants, who daily and hourly *befeech* and *besiege* the minister, gave rise to this statute. The other Act of the same year, intituled, “ An Act for granting certain duties in the “ British Colonies and Plantations in America, &c. &c.” I shall move to be only in part repealed; for so much of it as relates to the duties on glass, red and white lead, painters’ colours, paste-boards, mill-boards, and scale-boards, is already repealed by the tenth of the King, chap. xvii. Then, Sir, follows the Act in the eighth of the King, intituled, “ An Act for the “ more easy and effectual recovery of the penalties and “ forfeitures inflicted by the Acts of Parliament relating to the trade or revenues of the British Colonies and Plantations in America.” These Acts are objected to, because duties are imposed by them for the purpose of raising a revenue in America. They take away the trial by jury, and extend the powers of the Admiralty Courts beyond their ancient and legal jurisdiction. The twelfth of his Majesty, chap. 24. I propose to repeal, because persons committing a variety of offences specified in that Act, *cut of this realm*, may be tried in any county *within this realm*. This is directly contrary to the first principles of the constitution, which gives a right to a trial by a jury of the vicinage, who are justly supposed best to know the party accused. The same objection holds in full force against the Act in 1774, intituled, “ An Act for “ the impartial administration of justice in the cases of “ persons questioned for any acts done by them in the “ execution of the law, or for the suppression of riots “ and tumults in the Province of the Massachusetts Bay “ in New England.” Another Act, in the same year, chap.

chap. 45, takes away the Charter granted to the inhabitants of the Province of Massachusetts Bay by the glorious William III. The Quebec Act followed, which totally annihilated the mild and equal system of English laws, and established French tyranny and the Romish religion in their most abhorred extent. The Romish clergy by the said Act may claim *to hold, receive, and enjoy, their accustomed dues and rights*; and *no person professing the Romish religion is obliged to take the oath required by the statute in the first year of Queen Elizabeth*. The ministers of the established church of England were, as usual, totally neglected by the Scottish father of this Act, and even those of his own kirk in this instance. Then comes the sweeping Act against the whole Thirteen Provinces, intituled, “An Act to prohibit *all trade and intercourse* with the Colonies of “New Hampshire, Massachusetts Bay, Rhode Island, “Connecticut, New York, New Jersey, Pennsylvania, “the three lower Counties on Delaware, Maryland, “Virginia, North Carolina, South Carolina, and “Georgia, &c. &c.” which *trade and intercourse* brought into Great Britain, *communibus annis*, near two millions annually. The last act I shall mention is worthy of completing the black catalogue. It is the Act of the last session, “to empower his Majesty to se- “cure and detain persons charged with, or suspected “of, the crime of High Treason, committed in any of “his Majesty’s Colonies or Plantations in America, “or on the high seas, or the crime of piracy,” which is now continued another year. It is sufficient to say of this Act, that it suspends the *Habeas Corpus Act*, which Judge Blackstone declares to be *a second Magna Charta, and stable bulwark of our liberties*; not very stable how-

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ever;

ever, Sir, in this reign, no more than our *liberties*. There are, besides those which I have mentioned, three other Acts complained of by our brethren in America. The first is the Boston Port Act, which passed in 1774. It was repealed in 1776; but the substance of it was re-enacted in the same general Act, the sixteenth of the King, ch. 5. The Act likewise “to restrain the “trade and commerce of the Provinces of Massachusetts Bay and New Hampshire, &c. &c.” is exactly in the same predicament. It was repealed and re-enacted in the same moment. The third Act alluded to is “for “providing suitable quarters for officers and soldiers “in his Majesty’s service in North America.” It passed in 1774, and expired at Lady-day, 1776. These three Acts I therefore omit. Perhaps I may have passed over some other obnoxious statutes since 1763; but I mean, Sir, to propose the repeal of the whole system of the late American statutes and regulations, without which it is my fixed opinion you can have no permanent tranquillity, nor shall we see the dawn of peace in our time. I believe the repeal of the *Declaratory Act*, and the other statutes, to be the necessary foundation for a negotiation, if we are really in earnest to save a sinking state, if we hope to regain our Colonies, not to ruin or abandon them, nor to extirminate their inhabitants. I would treat America as the sister, not the subject, of England. Bologna in Italy is styled the sister, not the subject, of Rome. I remember the city of Bologna has the word *Libertas* in the first quarter of her arms. I wish that goddess all-powerful in every quarter of Italy, of America, of the world.

I was not present, Sir, in the House last Friday evening, but I have heard of the curious political race here at that time between two distinguished parties in
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the opposition, as if the ministers were now fairly run down, and all that remained was to divide the spoil. I was told of very dextrous management, of much cutting and shuffling, of a variety of propositions hinted at, on one side of abandoning the Colonies on certain terms of advantage, on the other of giving up some rights, and enforcing others with vigour. I have no connection with either party, nor with any party of the state. *Provoco ad populum* will ever continue my motto. But may I venture, Sir, to give both these parties a hint or two? I think that they need not quarrel yet, for hitherto I observe no vacancy on the treasury bench. Another thing I would just mention. Perhaps it might be prudent for both the parties to attend a little to the opinion of our common master. Lord Hillsborough's *circular letter* to all our governors on the continent and islands has been brought into this House for various purposes. I shall now make use of it to convince both parties, all parties, every gentleman, of the necessity of a speedy reconciliation with the Colonies, from the declared sentiments of our Sovereign. The conclusion of that famous letter is in the following words; "His Majesty
 "relies upon your prudence and fidelity for such an
 "explanation of his measures, as may tend to remove
 "the prejudices which have been excited by the mis-
 "representations of those who are enemies to the
 "peace and prosperity of Great Britain and her Co-
 "lonies, and to re-establish *that mutual confidence and*
 "*affection, upon which the glory and safety of the British*
 "*empire depend.*"

I believe, Sir, that I have demonstrated to the House, how absolutely impossible it is that *mutual con-*

fidence and affection can return between Great Britain and her Colonies, till this *Declaratory Act*, the foundation of the contest, the root of the evil, is done away. We are evidently in a declining, and shall soon be in a desperate, state, if this remedy is not immediately applied. I therefore think it my clear duty, not only for the *glory*, but the very *safety* of the British empire, to move, “ That leave be given to bring in “ a bill to repeal an Act, passed in the sixth year of “ his present Majesty, intituled, An Act for the better “ securing the dependency of his Majesty’s dominions “ in America upon the Crown and Parliament of “ Great Britain.”

VOTES of March 2, 1778.

Ordered,

That the order of the day, for the third reading of the bill (now ingrossed) to enable his Majesty to appoint Commissioners, with sufficient powers, to treat, consult, and agree, upon the means of quieting the disorders now subsisting in certain of the Colonies, Plantations, and Provinces of North America be now read, &c. &c.

Ordered,

That the order of the day for the third reading of the bill (now ingrossed) for declaring the intentions of the Parliament of Great Britain, concerning the exercise

cise of the right of imposing taxes within his Majesty's Colonies, Provinces and Plantations, in North America; be now read.

And the said order being read accordingly; The said bill was read the third time.

Resolved,

That the bill do pass, and that the title be; *An Act for removing all doubts and apprehensions concerning taxation by the parliament of Great Britain, in any of the Colonies, Provinces, and Plantations in North America and the West Indies, and for repealing so much of an Act made in the seventh year of the reign of his present Majesty, as imposes a duty on Tea imported from Great Britain into any Colony or Plantation in America, or relates thereto.*

Mr. Wilkes said,

Mr. Speaker,

I have not given the least opposition to the progress of any one of the conciliatory bills, which have been brought into this House by administration. I thought it the part of candour to acquiesce, to suffer the bills to go through the committee without interruption, and to receive every improvement, which the noble * Lord with the blue ribband, who first introduced them among us, or any of his friends on the other side of the House, chose to suggest or adopt. We are now, Sir, in possession of a plan, with much care revised and corrected by the *ostensible* Minister here, in the full expectation of its being equally pleasing and palatable on

* Lord North, Chancellor of the Exchequer, Member for Banbury.

both sides the Atlantic as well as this House. The great outlines indeed, Sir, opposition must approve, for they are undoubtedly their own. They were long ago traced out by themselves, although the spirit of them is now gone. Other means than those of coercion have been long steadily urged. The noble Lord with the blue ribband has as liberally borrowed their ideas as the Chancellor of the Exchequer means to borrow their money on Friday, when he opens the budget. The gentlemen on this side the House have frequently proposed a revision of all the acts complained of by our American brethren. Above three years ago a parliamentary revision of those statutes was warmly pressed on the Minister; and it is not three months since I had the honour of submitting to the House a motion for the *repeal* of those very Acts, which, in a less constitutional mode, *Commissioners* are now authorized to *suspend*. I made that motion, Sir, while America was still free to negotiate, still free from all foreign treaties, or solemn engagements as independent states, with any of the great powers of Europe. There is scarcely an idea in the acts, for gentlemen seem to agree to consider them together, which has not been suggested by opposition. The “ Cessation of hostilities on the part of his Majesty’s forces by sea and land,” “ the granting a pardon or pardons to any number or description of persons within the said Colonies, Provinces or Plantations,” “ the treating, consulting, and agreeing with any body or bodies politic and corporate, or with any assembly or assemblies of men, or with any person or persons whatsoever, of or concerning any grievances or complaints of grievances, existing or supposed to exist, in the government of any of the said Colonies, Provinces, or Plantations

“ respect

“ respectively, or in the laws and statutes of this
 “ realm respecting the same,” “ the treating of
 “ any aid or contribution to be furnished by any
 “ of the Colonies, Provinces, or Plantations respec-
 “ tively,” “ the not imposing any duty, tax, or
 “ assessment whatever, payable in any of his Majesty’s
 “ Colonies, Provinces, and Plantations in North Ame-
 “ rica, except only such duties as it may be expedient
 “ to impose for the regulation of commerce;” all these
 important considerations have been repeatedly urged to
 the Minister, while the sword still slept in the scabbard,
 before the late deluge of the blood of the subjects of
 this empire in an unjust and unnatural war. At last
 more is offered than was asked. A repeal of all the ob-
 noxious acts since the year 1763 only was proposed.
 The Minister now agrees to sacrifice the statutes of al-
 most another year, for he gives up all the acts since
 the 10th of February 1763, the infamous æra of the
 peace of Paris, by which the most valuable conquests
 of a glorious war were sacrificed. Whence can such a
 change arise?

I observe, Sir, that several gentlemen have this day
 mentioned their conversion, the æra, and cause. A
 very learned * advocate has said, that he was converted
 when Sir William Howe was forced to retire from the
 Jerseys. Another honourable † gentleman tells us, that
 he was converted when General Burgoyne capitulated
 at Saratoga. Washington and Gates, Sir, are cer-
 tainly very powerful apostles. I should not be sur-
 prized, if General Howe himself was at last converted.
 I believe the æra of the noble Lord’s conversion is not
 far distant. I suspect it happened at the successful mo-

* Henry Dundas, Esq; Lord Advocate for Scotland, Member for Edinburghshire.

† Charles Baldwin, Esq; Member for Shropshire.

ment of the late American negotiation in France, which I greatly fear has established their *independence*. It is impossible not to be charmed with the gentle, meek, supplicating, humiliating tone of the noble Lord at the present moment. We hear no more of the *condign punishment of traitors*, of the vengeance of the state against daring *rebels* *. The harsh discord of war no longer

* In the *Proclamation* of General Gage, dated Boston, June 12, 1775, *Samuel Adams* and *John Hancock* are proclaimed *rebels and traitors*, and as such to be treated. The General says, "I do hereby, in his Majesty's name, offer and promise, his most gracious pardon to all persons who shall forthwith lay down their arms and return to the duties of peaceable subjects, excepting only from the benefit of such pardon, *Samuel Adams* and *John Hancock*, whose offences are of too flagitious a nature to admit of any other consideration than that of condign punishment."

In this manner have two of the most deserving friends of the British constitution been treated on account of their steady opposition to every attack of despotism. The real sentiments of Mr. *Adams*, and his affectionate regard for the parent state, are happily expressed in a letter to Mr. Wilkes of the year 1770, the original of which has been seen by the editor. When Mr. Wilkes was Lord Mayor, he read to the Livery of London from the hustings on Michaelmas-day a letter from Mr. *Hancock*, as President of the Congress, although he had been proclaimed a *rebel* and *traitor* in the name of his *misguided* Sovereign. The two letters are here exactly copied.

"S I R,

Boston, Dec. 28, 1770.

Having been repeatedly solicited by my friend, Mr. William Palfrey, I embrace this opportunity of making my particular compliments to you, in a letter which he will deliver. My own inclination has coincided with his request; for I should pride myself much in a correspondence with a gentleman, of whom I have long entertained so great an opinion. No character appears with a stronger lustre in my mind, than that of a man, who nobly perseveres in the cause of public liberty, and virtue, through the rage of persecution. Of this you have had a large portion; but I dare say, you are made the better by it. At least I will venture to say, that the sharpest persecution for the sake of one's country can never prove a *real injury* to an honest man.

In this little part of the world, a land, till of late happy in its obscurity, the asylum—to which patriots were formerly wont to make their peaceful retreat; even here the stern tyrant has lifted up his iron rod, and makes his incessant claim as *Lord of the soil*: but I have a firm persuasion in my mind, that in every struggle, this country will approve herself, as glorious in defending and maintaining her freedom, as she has hitherto been happy in enjoying it.

Were I a native and an inhabitant of Britain, and capable of affording the least advice, it should constantly be; to confirm the Colonies in the fullest exercise of their rights,

longer grates on our ears. Peace, harmony, reconciliation with our brethren, are the enchanting sounds, with which we are now ravished. The terrible, exterminating minister of wrath no longer alarms the revolted Colonists with *Quos ego*—The noble Lord, with no less policy than pity, soothes them, and in mild accents says, *motos præstat componere fluctus*. I much fear however, Sir, the Colonies will never be gathered together again under his ministerial wing.

rights, and even to explore for them every possible avenue of trade, which should not interfere with her own *manufactures*. From the Colonies, when she is worn with age, she is to expect renewed strength. But the field I am entering is too large for the present: may heaven forbid, that it should yet be truly said of Great Britain, *Quam Deus vult perdere*—!

I am with strict truth,

S I R,

Your most humble servant,

SAMUEL ADAMS.

John Wilkes, Esq;”

“ My Lord,

Philadelphia, July 8, 1775,

Permit the Delegates of the people of twelve ancient Colonies to pay your Lordship, and the very respectable body of which you are head, the just tribute of gratitude and thanks for the virtuous and unsolicited resentment you have shewn to the violated rights of a free people. The City of London, my Lord, having in all ages, approved itself the patron of liberty, and the support of just government, against lawless tyranny and oppression, cannot fail to make us deeply sensible of the powerful aid our cause must receive from such advocates; a cause, my Lord, worthy the support of the first city in the world, as it involves the fate of a great continent, and threatens to shake the foundations of a flourishing, and, until lately, a happy empire.

North America, my Lord, *wishes most ardently for a lasting connection with Great Britain, on terms of just and equal liberty*; less than which generous minds will not offer, nor brave and free ones be willing to receive.

A cruel war has, at length, been opened against us, and, whilst we prepare to defend ourselves, like the descendants of *Britons*, we still hope that the mediation of wise and good citizens will at length prevail over despotism, and restore harmony and peace, on permanent principles, to an oppressed and divided empire.

We have the honour to be,

MY LORD,

To the Right Honourable the Lord Mayor and Livery of the City of London.”

With great esteem,

Your Lordship's

Faithful friends and *Fellow-subjects*.

By Order of the Congress.

JOHN HANCOCK, President.

The

The *conciliatory bills* are in my opinion more calculated for this country than America. They appear only meant to keep the minds of the people quiet here, and to amuse this kingdom, not to regain the Colonies; but I trust the day of reckoning and exemplary punishment approaches. The present dead calm forebodes a furious tempest. The bills hold out what ministers know to be a fallacious hope, a reconciliation with the Colonies on terms short of *independence*. The object is merely to screen ministry from the indignation of the public, and the vengeance of the people. There can be little doubt of this, when the very words of the acts, in the state they first appeared here, are considered. The preamble of one of the acts was, “Whereas the exercise of the *right of taxation* by the
 “parliament of Great Britain for the purpose of raising
 “a revenue in his Majesty’s Colonies, Provinces, and
 “Plantations in North America, has been found by
 “experience to occasion great uneasinesses and disorders, and has by sundry misrepresentations been
 “made the means of misleading many of his Ma-
 “jesty’s faithful subjects.”—These words are a kind of second *Declaratory Act*, in which the *right of taxation* is asserted at the instant you give *Commissioners* power to suspend it. Was this meant as a healing measure? Could Ministers really intend to confer a favour, as they affected to think, and yet chuse the most offensive, the most obnoxious, the most galling expressions? The preamble to one of the other Conciliatory Bills is liable to the same strong objection. It is,
 “for the quieting and extinguishing of divers jealous-
 “sies and misrepresentations of danger to their liberties
 “and legal rights, which have misled many of his
 “Majesty’s

“ Majesty’s subjects in the Colonies, Provinces, &c.” Must not such expressions be necessarily considered by the *Congress* as the language of high and direct insult? The *Commissioners* must derive all their powers from these acts of the legislature, in which the Americans were accused and upbraided. Are these the winning, persuasive arts of peace and reconciliation? Was a reconciliation really intended, or have Ministers only in view to delude the nation, and to incense them against the Americans, with the absurd hope of at last compelling them to an *unconditional submission*?

Administration, Sir, thought the game desperate, and had only in view their own safety, the preservation of their power, and perhaps a facility in the ensuing loan. They knew the solemn declarations of the Congress to some of the greatest powers of Europe so early as December 1776, and confirmed last November, the basis of which rested solely on their *independence*. They possess it *de facto*. I fear we shall be obliged to give it them *de jure*. If the present propositions are rejected, we cannot hesitate in preferring the acknowledgment of their *independence* to an expensive and bloody war, in which at last *conquest* is admitted to be an impossible and frantic attempt. We ought to enter into a federal union with them, and endeavour to secure the advantages of the most important trade with America by a commercial treaty, which would be reciprocally advantageous to both countries—unless, indeed, the eloquence of our *Commissioners* can effect what the force of our arms has in vain attempted, their relinquishing the claim of *independence*. The administration are perfectly acquainted with the various commercial engagements of the Colonists, from which they
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cannot recede. It appeared likewise that the military as well as the civil have concurred in reprobating every idea of a dependance on this country. *The sceptre of America is departed from Britain.* Three months after the British army had taken their capital, the seat of the Congress, Philadelphia, Washington gave it out in general orders from head quarters, December 17, 1777. "We may on the best grounds conclude, that by a spirited continuance in the measures necessary for our defence, we shall finally obtain the end of our warfare, *independence, liberty, and peace.*" In October 1774, the Congress humbly supplicated his Majesty for *peace, liberty, and safety.* Since that period, *safety* had been secured to them by their own prowess, except indeed on some parts of their very extensive coast. They had since been driven into *independence*, and began to taste its sweets. We had cancelled all the ties by which the two countries were long held together; and since we had forced them into a very reluctant warfare, they held to the people and the army, as its great end, the manly language of *independence, liberty, and peace.* America was driven to desperation. It is now, as to us, a bosom friendship soured to an implacable hatred. We have wantonly burnt her towns, butchered her men, women, children, even infants at the breast, massacred the captives in cold blood, scalped the dying and wounded, and carried fire and sword through her most fertile provinces. What a contrast has her conduct been to a whole British army, and general, who capitulated! What a nobleness in turning away from the humiliating spectacle of *English soldiers piling their arms by word of command from their own officers!* Are our Ministers weak enough

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to expect to cajole America with a parchment Act, at the moment they declare that they despair of conquest by the sword? The idea must to them be perfectly ridiculous, when the Americans recollect that the noble Lord with the blue ribband, at the beginning of the war, had prophesied that they would be soon *at our feet*, and the noble Lord at the head of the American department had insisted on *unconditional submission*. The Americans had now tried their strength, and found their resources, both on their own continent and in Europe, adequate to all their views. They saw the world in admiration of their firmness and fortitude, in the warmest applause even of their military achievements. The zeal of the French nation in their cause rose to the highest pitch of enthusiasm; and even this island might say to America, in the words of Horace, "*te cæde gaudentes Britannii compositis venerantur armis.*"

The honourable gentleman*, Sir, who made you the motion for the third reading of the bill, says, the Americans will see, "that we do not mean to tax them." They have no confidence, Sir, in any of our professions or promises. The act of parliament of the session, or the secretary's official letter, they hold in equal contempt. In 1765, there was so great a stagnation of our commerce in consequence of the Stamp Act, that in the following year *that* unjust, as well as uncommercial act, was repealed, and all the sources of trade between Great Britain and her Colonies were again opened, and flowed in abundance. Notwithstanding this, in the very next year, duties to be paid in America were imposed on tea, glass, paper, and

* Sir Grey Cooper, Bart. member for Saltash, joint secretary to the treasury.

other articlee, which threw the whole empire again into convulsions. America saw that we were not to be confided in during the short period of a single year, and that no tie, even of our own interest, could bind us to any terms of future security for them. It is impossible, without the highest indignation, to reflect from what a height of prosperity we are now in consequence fallen into an abyss of misery and ruin. The dispositions of America in 1766 were most friendly and affectionate. The wise measure of the repeal of the Stamp Act diffused universal joy through the thirteen, now revolted, Colonies. At Philadelphia in May 1766, they unanimously came to the following resolutions: "That to demonstrate our zeal to Great Britain, and our gratitude for the repeal of the Stamp Act, each of us will, on the fourth of June next, being the birth-day of our most gracious sovereign George the Third, dress ourselves in a new suit of the manufactures of England, and give what home-spun we have to the poor." What were the unanimous resolutions of the Congress not ten years after, in the very same town?—Our enemies have published them to the world with mockery and triumph. With what perfidy has the province of the Jerseys been treated! When that province returned to its allegiance, was it restored to the free exercise of its trade and commerce, and to the same protection and security as if it had never revolted? Or did that province continue under the *ban of the empire*, as a lucrative job to the friends of the Minister? Yet the Minister, in the King's name, at the opening of the session of parliament in October 1775, solemnly held out such promises to the Americans. It is impossible that the Colonists

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can have any confidence in such Ministers, or their agents, or *Commissioners*; and unless men, as well as measures, are changed, no permanent reconciliation can be effected. Our perfidy may, indeed, possibly be retaliated upon us in a mock treaty and a delusive negotiation; but no stable, solid peace can be obtained with the Americans by the authors of their grievances.

The ear of England, Sir, is rankly abused by Ministers who pretend to assure us of pacific dispositions in the Colonies, and a desire to return to their dependence on the parent state, when not the least symptom of such a nature has appeared. Has the Congress, or any one colony, made the least overture to a reconciliation, since their declaration of *independence*? Have not the Americans expressed the utmost abhorrence of the Ministers, who are to nominate the *Commissioners*, instead of a disposition to treat with them? and will they entertain a more favourable idea of their creatures? I must declare that I see nothing in the intended negotiation, but disgrace and humiliation on our part, after our repeated injuries, except indeed a lucrative job for five bold, hungry dependents of the minister. Would to God, Sir, I may be mistaken, and that the *Commissioners* may return to Europe with unenvied wealth and bloodless laurels! Their grateful country will honour them to its latest posterity, and their fame will be immortal.

An honourable gentleman*, one of the greatest ornaments of this House, says, that he *observes great benevolence among us towards the Americans*. I heartily wish that I could discover it. Among three sets of gentlemen, mentioned by him, I fear the Americans

* Edmund Burke, Esq. member for Bristol.

have very few friends. All the dependents of administration, the large majority in this House, who have voted all the cruel and oppressive acts now to be suspended, have certainly no *great benevolence* towards the Americans. Those, who are accustomed to pace in the trammels of a despotic Minister, and to be obedient to his sovereign nod, naturally abhor the enthusiastic love of liberty, the uncontrouled spirit of the sons of freedom in America. I suspect likewise that there is not much good-will towards our fellow-subjects in the Colonies, among the inhabitants in the northern parts of our own island. It would be a curious speculation to investigate the causes of the marked hatred of the Scots in general to the Americans. Is it, Sir, that although some small parts of America are almost over-run with tories, as others are with different destructive animals, yet there scarcely ever was found a single Jacobite in all our Colonies? Are the Scots in despair, because they have not been able to find any thing in North America congenial with them? They cannot there mingle treason with treason. Is it that, believing the present resistance in the Colonies to partake of the nature of a true rebellion, they are jealous of such an usurpation of the Americans on their peculiar prerogative? Scotland seems, indeed, the natural *foyer* of rebellion, as Egypt is of the plague; but, Sir, no monopolies in this commercial country are permitted. Manchester and Liverpool would oppose such a monopoly, and justly claim no small share in it, from their vigorous efforts in favour of the Pretender in 1745. It will, Sir, be a new and curious spectacle in 1778, to mark the North pouring forth her hardy sons to quell an American; not to aid a native, rebellion,

lion, carefully nursed in our frozen bosom, and afterwards in a tainted part of England kindly rendered and fostered in its progress to the South. The third set of persons, lately mentioned, are the country gentlemen. I respect the character, but I fear many of them are hostile to America and American rights. They are for the most part steady, not burthened or perplexed with many ideas, and perhaps with few of a very liberal nature. A single principle appears of late to have governed them. They hoped to throw off from their shoulders on the poor Americans a considerable part of the enormous burdens, under which they groan, of the debts of their late adopted German, and the present American, war. The noble Lord with the blue ribband had assured them of a *solid and substantial revenue* from America. On this plan of private œconomy to them the Minister bargained for their support. Their disappointment, and the sense of his jockeyship, has undoubtedly much chagrined them—but I will not dwell on this subject. Their eyes seem to be opening, just as they are drowning.

Another honourable gentleman * complains, “ that every thing respecting the public is in a great degree neglected, and that some of our most important concerns are scarcely regarded.” He has accordingly, with much good sense, held out to the House the idea of a committee to examine into the expenditure of the public money during this war. I agree with him, that nothing is now secure, or indeed properly taken care of---except the Protestant succession. His proposals meet my full and warm approbation. Another committee, however, seems to me still

* Thomas Gilbert, Esq. member for Lichfield.

more immediately necessary, a committee to enquire into the nature and causes of the failure of the Canadian expedition, for we cannot *hide the nation's scar*. I am sorry to be informed that the House is to be prorogued at Easter *, for I fear we cannot in this session undertake both these important concerns. The enquiry into the Canadian expedition, the loss of a British army, and the horrid cruelties said to be committed on our fellow-subjects, are of the first importance, both to vindicate the honour of our sovereign, and the humanity of the nation. I am shocked, Sir, at the false rumours daily spread, and the foul reproaches cast on the common father of all his people. It is circulated in print, Sir, that on the 17th of October, after Burgoyne's capitulation, in which Gates demonstrated a refined sense of honour, unparalleled in European armies, the British general was received with respect, and dined with the American hero; that nothing unkind was said to him, except asking *how he could find in his heart to burn the poor country people's houses wherever he passed*; and that he answered, *that it was the King's orders*. From all the letters of Burgoyne it has been repeatedly asserted, that the project of the Canadian expedition originated from the *closet of the King*, and the office of the American Secretary; and that the employing the *savages* against our fellow-subjects was among the primary ideas adopted on that occasion. The American Secretary, in a letter to General Carleton, dated Whitehall, March 26, 1777,

* Notice of this had been given the preceding week to the Committee Clerks of both Houses, that all private business might be expedited, it having been determined to prorogue Parliament on the Thursday before Easter, on the 16th of April. The unexpected *Declaration* from the Marquis de Noailles, on the 13th of March, however, kept the Parliament sitting till the 3d of June.

says, " As this plan cannot be advantageously executed
 " without the assistance of Canadians and *Indians*, *his*
 " *Majesty* strongly recommends it to your care to fur-
 " nish both expeditions with good and sufficient bo-
 " dies of those men. And I am happy in knowing
 " that your influence among them is so great, that
 " there can be no room to apprehend you will find it
 " difficult to fulfill *his Majesty's intentions*." In the
 " Thoughts for conducting the war from the side of
 " Canada, by General Burgoyne," which were ap-
 proved by the King, Burgoyne desires *a thousand or more*
savages. Colonel Butler was directed to distribute
 the King's bounty-money among such of the *savages* as
 would join the army; and, after the delivery of the
 presents, he asks for 4011 l. York currency more, be-
 fore he left Niagara. He adds, in a letter on our ta-
 ble, " I flatter myself that you will not think the ex-
 " pence, however high, to be useless, or given with
 " too lavish a hand---I waited seven days, to deliver
 " them the presents, and give them the *hatchet*, which
 " they accepted, and promised to make use of it."
 This letter is dated Ontario, July 28, 1777. In
 another from the same officer it is said, " The In-
 " dians threw in an heavy fire on the rebels, and made a
 " *shocking slaughter* with their spears and *hatchets*---
 " The success of this day will plainly shew the utility
 " of your Excellency's constant support of my unwearied
 " endeavours to conciliate to *his Majesty* so serviceable
 " a body of *allies*." This is a letter from Colonel But-
 ler to Sir Guy Carleton, dated " Camp before Fort Stan-
 " wix, Aug. 15, 1777." Burgoyne's barbarous procla-
 mation appears to be only a consequence of his sangui-
 nary instructions.

General Gates's letters have informed the world with what savage ferocity and cruelty the *Indians* carried on a war, to which they were so strongly invited. An *Indian* campaign is known to be productive of every species of torture, to which the human frame is subject. In the last campaign scarcely fewer women and children, in some parts where the war raged with the greatest fury, expired under the torture of the tomahawk and *scalping-knife*, than were killed by the sword or bayonet among those who bore arms. Colonel Butler's letter to Sir Guy Carleton of July 28th says, "many of the prisoners were, conformable to the *Indian* custom, afterwards killed." Has the * Secretary at war yet thanked the *savages* in the *King's name* for their *alacrity*? I have not had time fully to examine the numerous papers on our table, and therefore I am ignorant whether we have any letter from his Lordship similar to that from the War-office, of the 12th of May, 1768, "that having had the honour of mentioning to the King the behaviour of the detachments from the several tribes of *Indians*, which have lately been employed in *scalping* and *tomohawking* his American subjects, he has great pleasure in informing the general, that *his Majesty* highly approves of the conduct both of the *Indian* chiefs and the men, and means that his *royal approbation* should be communicated to them through the general. Employing *Indians* in such a service gives him [*the humane Secretary at War*] pain, but it is necessary. He hopes they will *continue to perform their duty with alacrity*. Every possible regard shall be shewn to their zeal, and they shall have the protection of the law, and this office, under every disagreeable circumstance."

* Lord Barrington, Member for Plymouth.

Mr. Burgoyne held himself out as an *active* agent on this occasion, not by the slightest mention of any supposed military talents, but by such abject flattery of the American Secretary, as I hope no other man in Europe could commit. He declares in a letter to Lord George Germaine, dated from Hertford-street, Jan. 1, 1777, "I humbly laid myself at his Majesty's feet for such active employment as he might think me worthy of.—This was the substance of my audience on my part. I undertook it, and I now report to your Lordship, in the hope of your patronage in this pursuit; a hope, my Lord, founded not only upon a just sense of the honour your Lordship's friendship must reflect upon me, but also upon a feeling that I deserve it, in as much as a solid respect, and sincere personal attachment can constitute such a claim." In his letter of June 22, 1777, he seems to have fully entered into the ideas of his principal; for he says, "that he met the Indians yesterday in Congress, and gave them a *war-feast* according to their custom," of which *war-feast* we know the most solemn ceremony to be drinking human blood out of the skulls of their enemies. In the same conference he consents to the mangling of the dead, for he says that he "allowed the Indians to take the scalps of the dead." Surely, Sir, an enquiry into those horrors, and the failure of an expedition which has not only disgraced our arms, but degraded the name of Englishmen, and fixed a foul stain on our national character, is still more worthy of our enquiry than even the waste of public treasure, although we are, I fear, if the war continues, too near the brink of a general bankruptcy.

I observe, Sir, that gentlemen have this day been very fond of giving advice to Ministers. I am not

fond at any time of giving advice, but I will for once follow the example. My advice then, Sir, to administration is, to supplicate his Majesty to order an immediate cessation of arms in North America, and to recall his forces. Humanity and justice call aloud for this measure. The Minister has at last confessed, *we cannot conquer America*. To what purpose then are more torrents of blood to be shed? The Americans will accept, or they will reject, your propositions. If they are accepted, the war is at an end by concession. If they are rejected, the end of the war, conquest, has been found, and is now acknowledged to be, impracticable. The shedding of the blood therefore of a single man for an object, which confessedly cannot be obtained, is not only unjustifiable, but highly criminal. Many of the measures of opposition have been at length adopted by Ministers. I hope this, the most important of all, will have the same success. An immediate cessation of arms was proposed the very first day of this session, by an excellent young nobleman on this side the House*. It will do more than all your *Commissioners* can without it. Perhaps it may save Howe from the fate of Burgoyne. It will give time for cooling on both sides, and at least shew that you are relenting towards your brethren, and eager for that peace and reconciliation, which alone can form the solid happiness of both countries, and must be devoutly wished by every friend to their mutual prosperity. It may save the fragments of this dismembered empire, for I own I shall tremble for the fate of Canada, nearly lost three years ago, as well as for Nova Scotia, the Two Floridas, and even the West Indian islands, if the powerful confederacy of the Thirteen United Colonies continues,

* Marquis of Granby, Member for Cambridge University.

Sir, I heartily wish success to these Conciliatory Bills, and that we may regain by treaty what we have lost by tyranny and arms. I would agree to almost any treaty rather than continue this ruinous war, which has cost already above thirty millions sterling, and the loss of 20,000 men. I entirely approve the effort, although I have my fears that it is made too late. Still, *Sat benè, si sat citò*. Let the experiment however be tried, and may both Britain and America again form one powerful empire on the principles of equal liberty, just, mild, commercial, and tolerant! We shall then be able to stand the shock of all the adverse powers of the world, again feared and respected abroad, and at home a great, united, and happy people.

VOTES of April 2, 1778.

A Motion was made, and the Question being put, That leave be given to bring in a Bill, more effectually to prevent the dangerous and unconstitutional practice of giving or granting money to the Crown, as a private aid, loan, benevolence, or subscription, for public purposes, without the consent of Parliament.

Mr. Wilkes said,

Mr. Speaker,

In this free country, where the people have so considerable a share in the legislature, I hold it to be the

duty of every man to watch over the constitution. The members of this House are more particularly delegated to a charge of this moment and importance. Any wilful negligence or inattention in us would be a breach of trust. In this thorough conviction I shall take the liberty of submitting to your consideration some late proceedings, because I am convinced they are, although countenanced by the highest authority, directly repugnant to the genius of our laws and government. The late encroachments on the constitution by the executive power of the state have neither been gradual nor inconsiderable.

Among the great outlines of this well-poized constitution, I believe it will be acknowledged, that one of the most striking is, the power assumed and regularly exercised by this House of granting the money of the people. This creates the dependance of the Crown on Parliament for supplies. The purse of the nation has been subject only to the controul of this branch of the legislature. So great a jealousy has prevailed on this occasion, that the other House have never been suffered to make the least alteration in a bill, which could in any way be construed to be a *Money Bill*, even by a fine or penalty in an enacting clause. This, Sir, is the *plastick power* of our creation. It gives us a certain, not a precarious existence. It is the single circumstance, which, under every change of Ministers, ensures our meeting annually within these walls. Were the *Land* and *Malt* taxes made permanent, could a revenue adequate to the whole annual public expence, and probable contingencies, with the necessary *ways and means*, be voted by Parliament for a term of years, I suspect the present set of Ministers would advise as
long

long an intermission of Parliaments as took place under some of the Stuarts. I do not mean, Sir, that they have *now* any thing to dread from the same representatives of an injured people, whom former Ministers, who held the same principles and conduct, used to approach with fear and trembling. Ministers have now drawn the sting of this great popular assembly. We have seen this very Session such a servile complaisance, such an extreme of contradiction to themselves, that it shocks common faith, and must disgrace the *Majority* here in the eyes of all Europe. No Cameleon ever shifted more suddenly to the opposite colour than they have done from insolence, intemperate rage, and war, to meekness, peace, and almost humiliation to the Americans.

Can any thing, Sir, be more alarming to the acknowledged right and privilege of this house, than the doctrine lately propagated, and the practice begun, of giving private aids, benevolences, and subscriptions, for public purposes, to the Crown, without the sanction of Parliament? The constitution has wisely placed in the crown the right of raising forces on a very pressing and dangerous emergency. It is a power necessary for the safety of the state, for the defence of the people. The strongest check is however at the same time given to any improper exercise of this power. It is controlled by the necessity of an application to Parliament for the maintenance of such forces. If troops could be raised, kept up, and paid, without the concurrence of this House, the liberties of this country must be at the mercy of the military, and their commander in chief, perhaps an ambitious prince. Our statute law, Sir, is not silent on this occasion. Every
year

year in the mutiny act it is expressly declared, that “the raising or keeping a standing army within this kingdom, in time of peace, unless it be with the consent of Parliament, is against law.” But, Sir, if the Crown can by a prerogative, which is not disputed, *raise* a standing army, and by private loans, benevolences, or subscriptions, *keep* this standing army on foot, no application whatever need be made to Parliament. Our government would then not be that of the law, but of the sword, to which all appeals must be trifling and inefficacious. Parliaments are now convened to vote the necessary supplies, which are regularly asked of the commons on the first day of the session. If government could receive them in any other mode than by the grants of this House, the legislature itself would not only lose its most important function, but become unnecessary, and very soon obnoxious. The executive power must be trusted with the raising of forces; but it is likewise the duty of this House to their constituents to take care that the number of those forces be so proportioned to the defence of the state, that the security of the subject may be provided for, and yet no alarm given to a nation very justly jealous of the least danger to its liberties. While the military receive their pay from the grants of this House, the maintenance of the army must depend on the approbation of Parliament; but if an artful, or enterprizing, prince can find other resources, the soldier will then look up to the prince, and not to the representatives of the people. The executive and legislative power must now concur in the measure of keeping on foot any number of regular troops, both in its first adoption, and continuance, or it cannot be the act of all the constituent parts of this govern-

government. If a designing prince, hostile, like most princes, to the cause of liberty, should be able to raise an army, and by foreign gold, the mad zeal, or interested views, of a party among us, could contrive to keep it on foot, without the aid of Parliament, what security have we for the preservation of our civil rights and privileges? The refusal of supplies in this House to force the disbanding an army could have no valid effect, for parliamentary grants would not be solicited. Future princes might govern, like the Stuarts, without parliaments, by the exertion of an over-stretched prerogative, and even juries be under the controul of a *crown officer*, when the grand inquest of the nation was superseded.

The constitution of this country, Sir, would be wounded in another branch of the legislature, in the House of Lords, by any grants of money, but through the medium of Parliament. The Peers have undoubtedly the right to reject a money bill. They may now by their negative force the disbanding any number of troops, which they think unnecessary, or dangerous to the safety of the nation. This important privilege would be taken from them, if such a body of troops were to be maintained by any private loans, benevolences, or subscriptions. The whole authority of the state would thus be absorbed in the crown, and the two other branches of the legislature become a mere phantom, supposing even their forms to be preserved.

I expect, Sir, that it will be asked, are we not then at liberty voluntarily to give our money to the crown? Are *free gifts* from the subject to the King illegal? There is, Sir, scarcely a country in Europe, which

has

has not groaned under the oppression of what are called *free gifts*. The very term is become ridiculous. Many a peasant has perished in a loathsome dungeon, because he would not be compelled to a *don gratuit*. The English history supplies innumerable instances of the cruel exaction of what have been termed *voluntary* loans and benevolences to the King. Many families have been ruined under the Tudors and Stuarts, because they would not be forced to *free-will offerings* to the Sovereign against their consent. The indiscreet ardour of a few begins a subscription, or loan; and then the rest of a nation are compelled, under pain of *our utmost royal displeasure*, to the same exertion, sometimes to their utter destruction. Neither can equality be observed in such contributions; whereas the fair and equal proportion of what every subject should pay to the exigencies of the state is one of the most important objects of every legislature. It becomes then the wisdom of parliament to put a stop to all abuses of this nature by an express statute.

I have heard, Sir, the Act of the 13th of Charles II. mentioned as an enacting law on this occasion; but, Sir, it by no means reaches the present case. That Act only provides, “ that no *commissions* or *aids* of this “ *nature* can be issued out, or levied, but by authority of parliament, and that this Act, and the supply hereby granted, shall not be drawn into example “ for the time to come.” The *nature* of those *aids* and *commissions* was by authority under the great seal of England, to empower certain persons to receive such subscriptions as his Majesty’s good subjects should voluntarily offer, no person, not being a peer of this realm, in such offer or present, to exceed the sum of 200 l.

nor any peer of this realm the sum of 400 l. Reference is always had in this Act to commissions issued under the great seal. The necessity, however, of such an Act, at a very particular period, plainly shews the sentiments of that Parliament, as to the general doctrine of loans and subscriptions, without the concurrence of the legislature.

There was, Sir, something peculiarly offensive to this House in the manner and time, which the zealous partizans of a desperate administration chose, for the *late* unconstitutional mode of levying money without the consent of Parliament. The Minister had dictated to the *majority* an adjournment of a very unusual length. Immediately after, their agents were busily employed in getting subscriptions and raising troops. There had not been the least previous intimation of the *new plan* to this House, nor the usual message from the Crown. No alarming state-symptom had recently appeared, even according to the apprehension of Ministers. The noble Lord * with the blue ribband assured us, that *he knew nothing of a treaty between America and France, nor did he believe its existence*, so judiciously had the immense sums we had voted for *secret services* been applied. The House adjourned on the 10th of December, and we have on our table a letter from the War office of the 16th, in which the secretary at war tells a gentleman † very near me, that he “ was commanded
“ by the King to acquaint him that his Majesty ap-
“ proves of the very handsome offers made by the
“ town of *Manchester*, through him, for raising a re-
“ giment of foot at their own expence, the regiment

* Lord North.

† Sir Thomas Egerton, Bart. Member for Lancashire.

“ to consist of eight battalion companies, one company of grenadiers, and one of light infantry.” The eagerness of the inhabitants of that *loyal* town to subscribe could only find a parallel in their efforts during the years 1745 and 1746, and in the splendid zeal of another *equally well-affected* town in the same county, I mean *Liverpool*. It appears from the same letter, that the *Manchester* regiment was to consist of no less than one thousand private men, besides a colonel, lieutenant colonel, major, captains, lieutenants, ensigns, serjeants, corporals, drummers, and fifers. The same establishment was to take place for *Liverpool*. Lord Barrington promises, in the King’s name, that “ the officers shall be entitled to *half-pay*, in case the regiment shall be reduced after it has been once established.” This was to be considered as an engagement from the public, although without the least communication to Parliament, or consent of this House. The same promises were made to all the different corps, which were to be raised *during the late adjournment* in another part of this island, where the Protestant succession in the illustrious House of Hanover is now declared to be the idol of the people. All the new-raised Scottish regiments were to be entitled to *half-pay*. These absolute engagements for public money to be afterwards voted by Parliament, were made in direct violation of the rights of the representatives of the people, and are contrary to both the spirit and letter of this murdered constitution. On such terms the secretary at war’s letters on our table state, that Colonel Gordon’s, Colonel Mackenzie’s, Colonel Murray’s, Colonel Maclean’s, Lieutenant Colonel Campbell’s, Lieutenant Colonel MacDonnell’s, the Edinburgh, Glasgow, and Liverpool regiments.

regiments were to be raised. Private *subscriptions* for the raising of these corps were at the same time warmly solicited by the agents of administration, and carried on with an uncommon spirit, immediately after the adjournment for the holydays. Some great men had the additional douceur of "the list of the other gentlemen recommended through them for commissions being honoured with the royal approbation, and the secretary's assurance in the King's name, that they should have commissions as soon as the regiment was raised," besides the bribe of the *half-pay*. The secretary of state, Sir, for the northern department, ventured to assert, in the King's name, that these private *subscriptions* were *constitutional*. In a letter from that *learned* Lord *, the Earl of Suffolk, to Sir John Wodehouse

* *Henry Howard*, Earl of Suffolk. In *not all the blood of all the Howards* ran so foul and polluted a stream, before or since the time of the perjured evidence against Lord Russell and Algernon Sydney, the Lord *Howard* of Esrick, as in the present secretary of state for the northern department. On the 2d of February, 1770, he voted against the Ministry in the great cause of the Middlesex elections, and with another unblushing apostate, the Earl of Buckinghamshire, signed the remarkable *Protest*, in which it is declared, "We deem the power which the House of Commons have assumed to themselves, of creating an incapacity, unknown to the law, and thereby depriving, in effect, all the electors of Great Britain of their invaluable right of election, confirmed to them by so many solemn statutes, a flagrant usurpation, as highly repugnant to every essential principle of the constitution, as the claim of ship-money by King Charles I. or that of the suspending and dispensing power by King James II. This being indeed, in our opinion, a suspending and dispensing power assumed and exercised by the House of Commons against the ancient and fundamental liberties of the kingdom." To this solemn declaration the names of the secretary of state for the northern department, and the Lord Lieutenant of Ireland, are subscribed; yet to this hour no satisfaction has been made to the injured freeholders of Middlesex, nor *in effect to all the electors of Great Britain*. The same administration continue the injury, and have been joined in the violation of the constitution, as well as the plunder of their country, by the Earls of Suffolk and Buckinghamshire.

Lord Suffolk rose to the favour of his royal master by the most formal and solemn species of hypocrisy, and by treachery to his country. He affected to be deeply religious, and impiously covered the most cruel and barbarous acts with the sacred

Wodehouse of February 17, it is said, "I have had
 "the honour of laying before the King a copy of the
 " *resolutions* delivered to me, and am now to inform

sacred name of the Deity, with a daring appeal to *God and Nature*. Lord Chatham in the House of Lords, Nov. 28, 1777, said, "They [the Ministers] have let
 "the *savages* of America loose upon their innocent, inoffending brethren; loose
 "upon the weak, the aged, and defenceless; on old men, women, and children;
 "upon the very babes upon the breast, to be cut, mangled, sacrificed, broiled,
 "roasted, nay, to be literally eat. Was it *by means like these* we arrived at that pinnacle of fame and grandeur, which, while it established our reputation in every
 "quarter of the globe, gave the fullest testimony of our justice, *mercy*, and national integrity? Was it *by the tomahawk and scalping knife*, that British valour
 "and *humanity* became in a manner proverbial?" Lord Suffolk answered, "We
 "are fully justified in using *every means* which *God and nature* has put into our
 "hands." Parliamentary Debates, vol. IX. p. 25. Were the *Brentford bludgeons*
 the *means* which *God and nature* put into the hands of *Mac Quirke* and *Balf* to murder the fresholders of Middlesex? Can it be believed, that a just God, who has declared that *whoso sheddeth man's blood, by man shall his blood be shed*, approves the pardon of these murderous villains by a *pious prince*, the guardian of our constitution? Are *tomahawks, scalping knives*, and *bludgeons*, honourable weapons of noble warfare, or civil contest? Are *God and nature* to be called in to justify the horrid cruelties of every *Indian savage*, of the highwayman, foot-pad, or hired assassin? The Earl of Suffolk stands forth the professed apologist of the heroes of *Hounslow* and *Bagshot*. He has *out-heroded Herod* in declamation. General Burgoyne only says, that he thought "the *Indian alliances* over-valued their services—sometimes
 "insignificant, often barbarous, always capricious." Speeches, page 3. Lord Suffolk declares, that "*it was a very wise and necessary step*." p. 25. It was a favourite court measure, and originated from the Queen's Palace.

Lord Chatham said, "his Majesty [the *late King*] had too much regard for the
 "military dignity of his people, and also too much humanity to have agreed to
 "such a proposal had it been made to him." Page 96. Lord George Germaine, in a letter to General Carlton, dated Whitehall, 26th March, 1777, declares, "*his Majesty* [the *present King*] strongly recommends it to your care, to furnish both
 "expeditions with good and sufficient bodies of those men [*Canadians and Indians*]." Boileau observes very truly:

"Un sot trouve toujours un plus sot, qui l'admire." Thus the dull Suffolk becomes an object of admiration to the duller *Bute*. That grave Scottish peer condemns in the lump the whole English ministry. He has no relish for the wit of Lord North, but he tells Sir James Wright that he finds Lord Suffolk *sufficiently serious*.

The epithet of *learned* given in the speech to Lord Suffolk can hardly be read seriously, when it is recollected that his Lordship began to learn *French* after he became secretary of state. Our fathers were taught by Swift to say, *I know no more than my Lord Mayor*. This reproach on the city is now done away, for the common expression is, *I know no more than my Lord Suffolk*.

"you

“ you, that *his Majesty is fully sensible of the constitutional zeal and loyalty which dictated these resolutions.*” The most important of these *resolutions*, which were agreed to at Norwich, is the raising money by a *private subscription* for several avowed *public* purposes respecting the army. The subscribers not only gave liberally from their own purses, but promised *to use their best endeavours, and to exert their utmost influence in that county and city towards carrying those resolutions into execution*, contrary to what has been demonstrated to be the established doctrine of the constitution, that the crown cannot receive the money of the subject, for public purposes, but through the medium of Parliament. It ought surely, Sir, to be the consent of the whole people by their representatives, not the partial benevolence of a few interested individuals. A few private disinterested men may imagine a favourite measure of their own to be a common concern of the state, while others make it a lucrative jobb for themselves and their dependants, by the gift or traffick of commissions, with the reversion of *half-pay for life* entailed on the nation.

I confess, Sir, that there is one circumstance with respect to the Manchester, Liverpool, and some Scottish regiments, which gives me pleasure. I rejoice that they are to be sent to Gibraltar and Port Mahon, to replace the Hanoverians; for I think not only the spirit of the constitution grossly violated, while the electoral troops of Hanover remain in possession of those fortresses, but the statute law of the realm may be evaded. In the “ Act for the further limitation of the crown, and better securing the rights and privileges of the subject,” it is declared, “ that all and
R “ every

“ every person and persons, who shall or may take and
 “ inherit the said crown, by virtue of the limitation of
 “ this present act, and is, are, or shall be, reconciled
 “ to, or shall hold communion with, the see or church
 “ of Rome, or shall profess the Romish religion, or
 “ shall marry a Papist, shall be subject to such incapa-
 “ cities, as in such case or cases are by the said recited
 “ Act provided, enacted, and established.” We all re-
 member, Sir, a very near relation of the crown, the
 Hereditary Prince of Hesse, married to a daughter of
 England, openly embracing the Romish religion. If
 a misguided prince could ever be so far perverted as to
 follow the religion, as well as the maxims, of the last
 Stuart king, and the Hanoverian troops should then
 be in possession of Gibraltar and Port Mahon, although
 the Crown of England would be forfeited, the Elector
 of Hanover might still secure the possession of those
 important fortresses, which belong only to the Imperial
 Crown of this realm.

I approve likewise the departure of those regiments
 on another account. I recollect what passed in the
 march of the Scottish rebel army southward in 1746.
 I shall be glad to hear of their absence, because I do
 not think an invasion of this country, at the present
 crisis, quite so chimerical a project as the conquest of
 America. I have read in the London Gazette, where
 truth was found in the last reign, a “ List of rebel of-
 “ ficers, in the *Manchester* regiment, taken at Carlisle,”
 by the hero of *Culloden*.

I am aware, Sir, that at the period, to which I have
 alluded, many *subscriptions* were carried on, and regi-
 ments raised, without a previous application to Parliam-
 ent. At the breaking out of that rebellion the legis-
 lative body was not sitting. A long prorogation in the

Autumn

Autumn had taken place, as usual. The capital of Scotland had surrendered to the rebels even before the Parliament could be assembled, and never was a more easy, or perhaps willing, conquest. The rebels were in full march into the heart of the kingdom. Every thing dear and valuable to Englishmen was at stake. Without the most vigorous exertions, the cause of public liberty must have sunk for ever. The greatness of the crisis called for those spirited measures, measures which could not be warranted in times of profound peace and public tranquillity. In this sense only ought the famous passage in Lord Hardwicke's celebrated speech to be understood. The first *law* of every state is the *salus populi*. When he as Lord High Steward passed sentence of death on the Scottish peers in 1746, he observed, "men of property, of all ranks and orders, crowded in with liberal *subscriptions*, of their own motion, beyond the examples of former times, and uncompelled by any law; and yet in the most legal and warrantable manner, notwithstanding what has been *ignorantly* and *presumptuously* suggested to the contrary." He delivers the *dictum* with unusual and indecent warmth, with the furious zeal of a *convert*; for of this *ignorance* and *presumption* his Lordship had unluckily been himself guilty. A well-known letter, which is still extant, from him to a gentleman in Surrey, a near relation of a * worthy member, whom I see in his place, in the most express terms condemns all private *subscriptions* to the Crown for public purposes, as absolutely illegal. But, Sir, I confess that I very little value the sentiments of *lawyers* in general on the great topics of government. We have indeed in this House

* James Scawen, Esq; Member for Surrey.

three or four gentlemen of the law, of the most enlarged understanding, and extensive genius; but the common observation still holds good, that *lawyers*, of all professions, seem least to understand the nature of government in general. They are like under-workmen, who are expert enough at making a single wheel in a clock, but are totally ignorant how to adjust the various parts, or regulate the movement. A truly wise and deeply learned whig, Lord Hardwicke's professed model, the great Chancellor Sommers, would not, I believe, have delivered such a doctrine as *law*. Yet, Sir, in my humble idea, *those subscriptions* were not only justifiable, but meritorious, I will venture to say *patriotic*, for they tended to the salvation of the country. Perhaps, Sir, after the extinction of that wicked, unprovoked, rebellion, we ought to have acted as we did in the case of the embargo on all ships laden with wheat or wheat flour in September 1766. The order of the King and council was certainly irregular, *illegal*; but it saved the people from famine, and therefore was sanctified by an Act of the whole legislature. The preamble of that indemnity bill says, "which order
 " could not be justified by *law*, but was so much for
 " the service of the public, and so necessary for the
 " safety and preservation of his Majesty's subjects, that
 " it ought to be justified by Act of Parliament."

I expect, Sir, to hear it objected, that the present time is by no means a proper season for such a motion, as we are probably on the eve of a war with France, and the whole house of Bourbon. This objection will have no weight with me; for no man can be more zealous to strengthen the hands of government, even to strain every nerve of the state, in a just war against

France, our ancient enemy, the common enemy of the liberties of Europe. I would however do it in a parliamentary way. I wish this House, in a good cause, to grant the amplest supplies against that ambitious, formidable, and encroaching power, although I think the present Ministers wholly inexcusable in being thus long duped by her flimsy pretexts, and unmeaning verbal assurances. The message to this House, of March 17, tells us, that the conduct of France is "contrary to the *most solemn assurances*, and subversive of "the *law of nations*." Those *most solemn assurances* deceived none at the time but the credulous court of England, and the Ministers on the other side of the House, who wished to be deceived. As to the *law of nations*, in my opinion it clearly justified the *late* conduct of France. I call on any gentleman, the deepest read in Grotius, Puffendorf, and the other writers on the rights of war and peace, and the *law of nations*, to prove from a single passage, that the French ambassador's late declaration is *subversive of the law of nations*. The *United States of America* were, at the conclusion of the late treaty, on a footing with all other states. They had by the most public acts, with a full chorus of applause from almost the whole northern hemisphere, asserted their *Independency*, of which they had at that time near two years *full possession*. The present conduct of France to America likewise receives the fullest justification from the former conduct both of England and France to Holland and Portugal, when they separated from the Spanish monarchy, and became *independent* states. We both went further than France has done in this instance. France and England at that time furnished entire regiments, ships of war, ammunition, and

all warlike stores, to the *revolted* subjects of the Spanish monarch. The immediate cause of complaint at the present period is only that France has concluded a treaty of *amity* and *commerce* with America. Is this an *unjust aggression* on England? Is this a just cause of hostilities on our side, and will it warrant the involving this country as well as France in all the horrors and calamities of war? France seems indeed to be taking a dreadful revenge on us, by securing to herself the commerce of America, as an indemnity for all she suffered during the last war; but in the treaty she has acted according to the *law of nations*. Yet, Sir, if we must be forced into a war, I do not despond. With the same
 * great Minister, who so gloriously conducted that war,
 and

* This great Minister paid the debt to nature on the 11th of May 1778. On the same day we find by the *Votes* of the House of Commons, "The House being informed by a member in his place, that the *Earl of Chatham* died this morning;

Resolved, nemine contradicente,

"That an humble address be presented to his Majesty, that his Majesty will be graciously pleased to give directions, that the remains of *William Pitt Earl of Chatham*, be interred at the public charge; and that a monument be erected, in the Collegiate Church of Saint Peter's, Westminster, to the memory of that excellent statesman, with an inscription expressive of the *public sense* of so great and irreparable a loss; and to assure his Majesty, that this House will make good the expenses attending the same."

His Majesty's answer was on the 13th by *Lord North*. It did not express the royal sense of, or the least concern for, *so great and irreparable a loss* to the nation; but coldly stated, "that his Majesty had commanded him to acquaint this House, that he will give directions as desired by the said address."

The funeral was indeed public, but conducted with so disgraceful parsimony and meanness, that the enemies of Lord Chatham's fame considered it as an insult from the Court on his ashes, after the unanimous resolution of the Commons of Great Britain, and the known sense of the nation. The language of the *Queen's House* at the time was, *that a man would make his court very ill by attending Lord Chatham's funeral*. This hint sent half the courtiers into the country, and confined the other half at home by sudden illness.

The late Earl was employed very little, and never trusted, by the present King. Lord Bute's forbearance in the beginning of this reign was indeed wonderful, for after *his* accession he suffered Mr. Pitt for several months to continue at the head of
 affairs,

and the same noble efforts in the people, I should not doubt of equally brilliant success, provided we had peace with America, to whom in no small degree we owe what share of consideration we have among the powers of Europe. The navy of this country, which is its surest bulwark, owes its greatness to our colonies; has grown with *their* growth, and strengthened with *their* strength; a navy which has ungratefully and barbarously laid their towns in ashes. Trade and commerce, the support of most nations, the chief care of

affairs. I suspect it proceeded from political timidity, and perhaps other arrangements not being fully settled. His removal was determined from the evening of the demise of the good old King, but the artful Scot employed all the low cunning of his character to bring it about as the spontaneous act of Mr. Pitt himself. In this he succeeded. The great Minister was over-ruled *with regard to measures to be taken against Spain*, and resigned Oct. 9, 1761. His measures were however adopted in a short time, and war was at last reluctantly declared against *Spain* the second of January following: but a glorious opportunity of making prize of the Galleons had been lost.

In the House of Lords, Lord Chatham declared, that *when he was employ'd, his royal master appeared all grace, goodness, and condescension to him at every audience, and gave the warmest assurances of his powerful support and countenance to all his measures; yet every thing seemed hollow, and was made uneasy to him. He always found himself cruelly deceived, often betrayed, and declared that he had no scruple to assert, that there was some one about the court greater than the King himself.* In the House of Commons he had formerly described Lord Bute as *wanting wisdom, and holding principles incompatible with freedom.* In the February preceding his death he gave it under his hand, in the correspondence with Dr. Addington, that *Lord Bute had brought the King and kingdom to ruin.*

The late testimony of Lord Bute in the same publication is very express in favour of Lord Chatham. He told Sir James Wright, "*Lord Chatham was one of the very few he had ever acted with in administration, who had shewn great honesty and generosity of sentiment, with a sincere conduct, and intention for the King's and the public welfare.*" This evidence, given by his most insidious and concealed enemy, is remarkable; but the declaration at Madrid of a fair and open foe, of the Spanish Minister to the English ambassador in August 1761, not two-months before Mr. Pitt's resignation, is his noblest panegyrick. General Wall observed, that *at that time the Court of London was in the most flourishing and most exalted situation it had ever known, occasioned by the greatest series of prosperities that any single nation had ever met with.* Lord Chatham lived to see all our glories pass away, England covered with shame and ridicule in the eyes of all Europe and America, above half her empire lost, the proud *Gaul* triumphing, and the *King and kingdom brought to ruin.*

the wisest, have derived their late vigour and spirit from America. What dreadful commercial calamities have we suffered since the unhappy contest with her? If she joins the whole house of Bourbon against us, I shall begin to be alarmed for *our own independence*. At least the power and glory of England, which have not, till this fatal period, withered like a fair flower, nor been mowed by the scythe of all-devouring time, that strikes empires from their root, will be in danger of being cut off by the sword of her justly incensed offspring. We have been found unequal to the contest with America alone. A Congress worthy of Rome, while Rome was free, *tumidas contudit minas* of an insolent Minister, and the venal majority of a British parliament. All our Ministers, Sir, have been grossly ignorant as to the real strength of that vast Northern Continent. Even the great man, who is now removed into the other House, delivered a very weak and ill-founded opinion here in the debate on the repeal of the accursed stamp act, that *the force of this country could crush America to atoms*. The *force of this country*, aided by Hessians, Hanoverians, and all the other German mercenaries, has effected nothing, but unsoldier-like retreats, in three years. The united *force* of Europe, Sir, *cannot crush America to atoms*, if we consider the natural strength of the various component parts of that immense continent. *Peace, Peace*, therefore with America ought to be our object. *Force* has been found as unavailing, as ill directed,

I fear our conduct has cemented the union between America and France. Since the affair of General Burgoyne, and the French acknowledgement of their *Independence*, it cannot be supposed that the Americans will
ever

ever think of returning to a *Dependence* on this country. The experiment, however, Sir, might be made, of endeavouring to detach the *United States* from France, by an acknowledgment of their *Independence*, and a league of more than *amity* and *commerce*, a *treaty offensive and defensive* with the mother country. The same religion, language, laws, love of liberty, the same common stock and progenitors, the *genus Latinum*, *Albanique patres*, a reciprocity of the important interests of commerce, all these might consolidate the base of a firmer, more compact alliance than ever yet was formed between two Empires. But alas! perhaps these are only pleasing visions, mere phantoms of the imagination, unsubstantial mockeries; and the reality will be an obstinate and bloody war, to be concluded possibly, even in this reign, in a farther dismemberment of the British monarchy. I heartily wish, Sir, a war with France could be avoided. I know we are unprepared, and that the people have no confidence in government. They have even a horror of Ministers, who have lost more than half our empire. The provocation of the day cannot justify a war. The treaty is only of *amity* and *commerce* with America, not of hostility against Great Britain, or any power. England, in my opinion, ought to have done what France has done. But has she, Sir, acted *against us* in a manner to justify hostilities on our part? Is the principle, or the policy, of our conduct quite ascertained to be just, wise, or expedient? An ignorant and incapable set of Ministers, have brought us into so disgraceful a situation, that we can neither proceed with safety, nor retreat with honour. In such contempt is this nation now held, that even Portugal, which was lately almost a province of this kingdom, looks down upon us with insolence.

Sir,

Sir, the spirit of liberty is a spirit of jealousy. It ought to be more so than ever at the present æra, which seems peculiarly fatal to the cause of public freedom in Europe, while it is victorious in the Western world. Every man, who wishes well to the free English government, must be alarmed for its safety, when he reflects on the fate of the neighbouring nations, of the most considerable states. A late event ought always to be in the perspective of the true lovers of public liberty. The kingdom of Sweden, by its constitution one of the freest monarchies in the world, has recently fallen under the galling yoke of despotism by the treachery and perjury of its King. The most solemn legal obligations, and explicit compacts, enforced, as it was supposed, by the most sacred sanction of oaths, were found insufficient to secure the liberties of that brave people from the invasion of the military, at the instigation, and by the command of a monarch, to whom every species of fraud and deceit seems familiar. No sovereign, in any age or country, ever made stronger and less equivocal promises to his people, cemented by all the holy ties of *religion*. The *speeches from the throne* always held out a profound veneration for the laws, an inviolable attachment to the established constitution. The pious hypocrite not only expressed his own abhorrence of arbitrary power, but declared that he would consider those as the worst enemies of his person and government, as the vilest traitors to their country, who should in any way, and under any pretence, seek to add to his power, or to introduce an unlimited authority in his person. He even pretended to think it his greatest glory to be the first citizen of a *free* country ; and he asserted, that to govern it *free* and independent

was

was his highest ambition. He repeatedly, with great parade, reminded the Swedish nation of the oaths he had taken to them, and the excellence of the constitution, to which he was so *religiously* attached, while at the same time he was meditating the means of enslaving his people. *By the assistance of the army* he has acquired the most absolute and despotic power. According to the new * form of government the States
of

* From the LONDON GAZETTE of Sept. 5, 1772.

Stockholm, Aug. 21. Yesterday being the day when the form of government, *fsworn to by the King*, of the 29th of May, and by the states the 1st of June, *was to be abolished*, and a new one to be produced in a plenum plenorum of all the orders, *a large detachment of guards was ordered to take possession of the square where the house of Nobles stands; and the palace was invested on all sides with troops, and cannon were placed in the court near the hall where the states were assembled.*

The scene was opened by a speech from the throne: his Majesty had in his hand the silver hammer of Gustavus Adolphus, with which he made a signal for silence, an office usually performed by a senator, *but none were present.* His Majesty concluded his speech by assuring the plenum, that he did not desire the sovereignty, and would take a solemn oath to renounce it, which he immediately did.

His Majesty then ordered the new form of government to be read by a Secretary of revision. This piece consists of above forty articles; the essential ones are;

1st. The King is to *chuse the senate* himself.

2dly. His Majesty is to call the states together whenever he pleases, and to separate them also when he pleases, after three months.

3dly. The contributions are to be given by the states, but, if not granted within three months, the old ones are to remain; *in case of invasion, or pressing necessity, his Majesty may impose some taxes for raising money till the states can be assembled.*

4thly. *When the states are assembled, they are to deliberate upon nothing but what his Majesty pleases to lay before them.*

5thly. His Majesty has the sole disposition of the army, navy, and finances, and of all employments, civil and military.

As soon as the whole of this piece was read through, his Majesty asked the plenum if they would give him their oath to observe this form of government; which being answered in the affirmative, he *required* them immediately to swear to it, which they did accordingly. His Majesty then *required* the Speakers of the respective orders to come to the table and sign and seal the new form.

After all this ceremony was over, the King stood up and said, *that it was proper to thank Almighty God for his assistance*, in bringing about so happy an event; and pulling a Psalm Book out of his pocket, he began to sing *Te Deum*, in which he was accompanied by the assembly.

of Sweden cannot assemble but by the royal permission. The King is to chuse the senate. They have no right to deliberate upon any thing but what the King pleases to lay before them. If the contributions are not granted within three months, the old are to remain. In cases of necessity the King may impose taxes, till the states are assembled. There would have been no necessity for this, if a slavish party among his own subjects had been willing and able, by any private aids, loans, benevolences, or subscriptions, to put it in his power to support a military establishment, and to raise new levies at his pleasure. He, as well as the sovereign of England, has the sole disposition of the army, navy, and all employments civil and military. The perjured sovereign of Sweden, by the assistance of only a small part of the military, has enslaved his people, and made himself the absolute tyrant of a limited monarchy, in which he was *born and educated*, and whose constitution he was sworn to preserve*.

I know,

His Majesty then permitted the states to kiss his hand, after which he left the room, and the states separated without knowing whether they were to meet again or not. *This depends on his Majesty's pleasure.*

* In the King of Sweden's speech at the opening of the diet on the 25th of June, 1771, he declared, "*Born and educated among you, I learned from my early youth to love my country, to consider it as my greatest happiness that I was a Swede, as my greatest glory, that I was the first citizen of a free people---to see this nation happy is my first object; to govern a free and independent people, the height of my ambition. Do not suppose these are vain words, contradicted perhaps by the secret sentiments of my heart. They are the true picture of a heart glowing with the most ardent love for glory, and for my country. I bear too honest to dictate what it does not feel, too proud ever to recede from an engagement.*" On the 28th of February, 1772, his Swedish Majesty solemnly confirmed by oath, and his signature, the twenty-four articles of the *Act of bond or obligation to the people*,

Mr. Sheridan says, *the King, who that morning [Aug. 19, 1772.] rose from his bed the most limited Prince in Europe, in the space of two hours rendered himself no less absolute*

I know, Sir, that in the important motion which I have the honour of submitting to the House, I stand on the firm constitutional ground of English liberty, and the rights of Parliament. I therefore particularly claim and call for the support and assistance of those, whom I love and venerate, the real whigs, and friends of this excellent constitution. They are naturally jealous of every infringement on the peculiar privileges of this House, as the representatives of all the Commons. The fundamental rights of Englishmen have always been their peculiar care. Any accession of power to the dangerous influence of the Crown, without the sanction of Parliament, they must reprobate. In this case our very existence, as a legislative body, is brought into jeopardy. From every principle of duty to the

at Stockholm, than the French monarch is at Versailles, or the Grand Seignor at Constantinople. Page 300.

“ Since the establishment of the late form of government in the year 1720, the Swedes had hitherto beheld only *foreigners* on the throne, Frederick the First, and Frederick Adolphus.” Page 255.

A history of the late revolution in Sweden, by Charles Francis Sheridan, Esq. of Lincoln's Inn, and Secretary to the British Envoy in Sweden at the time of the late revolution.

The King of Sweden plainly copies the very expressions of the King of England; but every brave Englishman will exert himself that no King of England shall successfully follow the conduct of the King of Sweden. He was congratulated in the highest strains of flattery by the courts of France and England, which perfectly agreed in their joy on this victory over Liberty.

The French Gazette gave a false and partial account of this *inglorious revolution*, which was said to be *peu préparé*, and observed, “ tout manquoit à sa Majesté Suédoise; elle ne s'est pas manquée à elle même; sa prudence, sa fermeté, son audace, disons mieux, sa *vertu* a suppléé à tout. Les *sénateurs*, assemblés dans leurs salle ordinaire, étoient aux fenêtres lorsque des officiers vinrent leur apporter l'ordre de rester tranquilles dans l'appartement---ils voulurent répliquer, mais leur pouvoir Aristocratique n'imposoit plus; ils durent obéir.”

The present King of Sweden was in Paris at the time of his father's death, in February 1771. It is agreed, that he planned in that capital the ruin of the liberties of his country.

free

free system of government under which we live, and even of self-preservation, this motion ought to be supported; and in consequence I hope for unanimity, when I supplicate the House, “ that leave be given to bring
 “ in a bill more effectually to prevent the dangerous
 “ and unconstitutional practice of giving, or granting,
 “ money to the Crown, as a private aid, loan, bene-
 “ volence, or subscription, for public purposes, with-
 “ out the consent of Parliament.”

VOTES of April 10, 1778.

The Lord North presented to the House (according to order) a “ Bill for enabling his Majesty to settle on
 “ their Royal Highnesses the Princes *Frederick*, bishop
 “ of *Osnaburgh*, *William Henry*, *Edward*, *Ernest*, *Augustus*, *Augustus Frederick*, and *Adolphus Frederick*,
 “ an annuity of sixty thousand pounds *per annum*; and
 “ also to settle on their Royal Highnesses the Prin-
 “ cesses *Charlotte Augusta Matilda*, *Augusta Sophia*,
 “ *Elizabeth*, *Mary*, and *Sophia*, one other annuity of
 “ thirty thousand pounds *per annum*; and also to settle
 “ on his Highness Prince *William Frederick* one other
 “ annuity of eight thousand pounds *per annum*; and on
 “ her Highness the Princess *Sophia Matilda* one other
 “ annuity of four thousand pounds *per annum*,” and the same was received, and read the first time, and ordered to be read a second time.

Mr.

Mr. *Wilkes* said,

Mr. Speaker,

The *very title* of the bill, which the noble Lord with the blue ribband has just presented to the House, will give the truest pleasure to the friends of the Protestant succession. A Royal Family, already so numerous, is an invaluable addition to the national strength and importance. Every Englishman, who is at heart anxious not only for the permanent, but the perpetual, preservation of our liberties in the august line of Brunswick, must now enjoy the highest satisfaction. The alarming fears, which our ancestors at various periods experienced, from a suspicion of the failure of succession to the Imperial Crown of these realms, are not likely to disturb their posterity. We live in happier times. The gratitude of this House to heaven increases every year, with the fortunately prolific, annual increase of the Royal offspring*. We triumph in those endearing pledges of our monarch's love, and the public felicity, which an all-bounteous Providence continues to bestow on this peculiarly favoured nation. The kingdom at large contemplate with rapture his Majesty's numerous, and still, I hope, increasing progeny, as insuring even beyond our children's children, to the *nati natorum, et qui nascentur ab illis*, the blessings and glories of his reign. It is the

* In the same session, by the votes of Nov. 21, 1777, it appears that the House "resolved, that a congratulatory message be sent to the Queen, on the birth of another Princess---to assure her Majesty that this House will ever retain the truest sentiments of duty and attachment to a Queen---to whom this nation owes so many blessings."

duty of his *faithful commons* here to do more, to provide for them in a manner adequate to their exalted birth and royal dignity.

The message, Sir, from the crown points out to us the provision, and the mode of it, which is desired. I give my hearty consent to the grant. It will be a grant worthy of the English nation, worthy of the great personages, in whom we have *now* so important an interest. *Hereafter*, I trust, we may claim a share of their future fame and glory. Yet Sir, I regret, that it is not made a certain provision for them during his Majesty's life, and the Duke of Gloucester's, as well as during the life of the Prince of Wales, or the successors of the reigning monarch. It is only to take effect after the demise of the crown, and on the death of the Duke of Gloucester. Sir, if I understand the bill in your hand, it compels the Prince of Wales to grant out of the hereditary revenues of the crown the annual sum of 60,000*l.* to the King's sons, 30,000*l.* to his daughters, and 12,000*l.* to the children of the Duke of Gloucester, during their respective lives; but no permanent provision is made for them during the present reign, or the life of the Duke of Gloucester. The bill effectually ties up the hands of the successor, but leaves the Prince on the throne the option of any provision for the children and other very near relations of the crown during the life of his present Majesty, and his next brother. I desire to be set right, if I have misstated the bill, which has just been read to the House.

[Lord North said, "the honourable gentlemen is
 " certainly right. The King will not be obliged to
 " make any provision by this bill for any part of the
 " Royal Family, during his own life and that of
 " the

“the Duke of Gloucester.” Mr. Wilkes then added,]

I submit, Sir, to the House, that in this respect the bill is imperfect. The provision for the younger branches of the Royal Family is not an immediate certain provision, but to take effect at a distant period. They are left at the present moment without the smallest fixed revenue, or support, independent of the crown. The sovereign makes no grant, but we are taking away, without his consent, during his minority, a part of the hereditary revenue of the Prince of Wales, for the future maintenance of his brothers, sisters, and the more remote branches.

The example of this generosity is not given by the father and the sovereign to his first subject, although it comes in the mode of a paternal precept. We leave them now in a state of the most absolute dependance on the crown, on the caprice of the sovereign, or perhaps the mercy of the Minister. The bill therefore, in my opinion, ought to be extended to a settlement of the same revenues to take place *immediately*, and to be secured by the fullest parliamentary grants irrevocably. The strong ties of blood in the first degree would in this case coincide entirely with the wishes of the people. I may surely, Sir, leave in all safety to the servants of the crown so acceptable a service to the best of princes and of parents.

A circumstance, Sir, of the utmost importance seems on this occasion to have been intirely neglected by Ministers. It is remarkable that the children of his Majesty's next brother, the Duke of Gloucester, are recognized and provided for by this bill, before there has been a notification in any way to Parliament, or to the

public, of his Royal Highness's marriage. I have not, Sir, the least doubt of the legality of that marriage, but I know that strong doubts have formerly been entertained, even by some of the present Ministers. The noble Lord with the blue ribband is as ill informed on this subject as he has been all along respecting America, when he ventures to assert, that no man *now* has the least *doubt* remaining. In consequence of the general uncertainty in the minds of the nation a very few years ago, the Privy Council entered upon the enquiry of the legality of the Duke of Gloucester's marriage. They received evidence, which, as it is reported, satisfied them; but as that evidence has never been communicated to the public, a degree of scepticism I know has continued. I wish it removed. It will be undoubtedly, when Parliament shall be treated by Ministers with respect, when the great council of the nation shall be furnished with the proofs, which flashed conviction on the minds of the Privy council. The representatives of the people, Sir, have surely a right to examine every thing respecting the succession to the Imperial crown of these realms, because they, in conjunction with the other two branches of the legislature, have by an express * Act of Parliament the power to *make laws and statutes of sufficient force and validity to limit and bind the crown, and the descent, limitation, inheritance, and government thereof*. The maintaining the contrary doctrine by writing or printing is declared a species of *high treason*, and whatever slavish positions of † hereditary, divine, indefeasible right may be adopted in

* 6 Anne, ch. vii. s. 1.

† It is necessary sometimes to remind the tools of an arbitrary court, that there can be no right to the Imperial crown of these realms but a *parliamentary* right. The mere

in despotic countries, and by modern courtiers here, the people of England in general consider their crown as the free gift of the nation, settled on their own terms and conditions *. We know that the British crown is not in the gift of the reigning prince. He is only *tenant for life*, while he observes the original compact.

mere *hereditary* right would be stronger in the house of Savoy, and even in that of Bourbon, than in the Brunswick line. This will appear from the following short genealogical table.

1.	1.
Charles I.	James I.
2.	2.
Henrietta Maria, Duchess of Orleans.	Elizabeth, Electress Palatine, Queen of Bohemia.
3.	3.
Anna Maria, Duchess of Savoy, wife of Victor Amadeus II. protested in 1700.	Sophia, Electress of Brunswick.
<i>House of Savoy.</i>	
4.	4.
Marie-Adelaide Duchess of Burgundy, afterwards Dauphiness.	George I. <i>House of Brunswick.</i>
5.	
Louis XV. <i>House of Bourbon.</i>	

If the *Parliament* had not changed the order of succession to the crown, the House of Savoy would have succeeded, for their right is derived from the daughter of Charles I. whereas the Brunswick line are descended from the daughter of James I. a degree more removed. The gift of the crown is in the Parliament, in the people by their representatives.

* The first King of the House of Brunswick appeared to acknowledge this with gratitude, when he took for the motto of his coronation medal, *Volentes per populos*. The motto of the present King, *Patriæ ovantis*, was not so happily chosen. The *Ovation* is described as the smaller *Triumph*, of which the poor sacrifice was a *Sheep, Ovis*. It should seem almost prophetic of the American war, for Aulus Gellius tells us, "*ovandi, ac non triumphandi, causa est, quum aut bella non rite indicta, neque cum iusto hoste gesta sunt.*"

At the *Ovation* a crown of *myrtle*, not of *laurel*, was used. The same learned Roman says, "*quod non Martius, sed quasi Venerius quidam triumphus foret.*" This too may seem prophetic of the present reign, and of the numerous royal progeny.

The people, Sir, in consequence, possess the right to be informed of whatever respects the succession. All we know as to the marriages of the King's brothers amounts to this, that they were private and clandestine, and that no proof of their legality has hitherto been given to the nation. The proofs of those marriages ought to be communicated to the two Houses of Parliament, while the parties are still alive, and the witnesses with us may be examined. The facts may now be ascertained with precision. If any *doubts* have been suggested in this age, they may be removed by those living witnesses, to whom no recourse can be had in succeeding times. I regret that there are so many *historic doubts* in our history*. Posterity has this just claim on the present generation, that our fields may not be again deluged with the blood of a brave people in a fatal civil contest. Should the smallest degree of scepticism now exist, the progress of it, if not timely checked, is known to be rapid, and it would acquire strength even from the general destroyer, Time. The fullest light ought *now* to be thrown on a transaction hitherto covered with clouds and darkness.

This enquiry, Sir, I likewise consider as a point of national honour and justice to several foreign princes, who are allied by marriage to the crown of Great Britain. The House of Nassau, to whom we owe the restorer of our violated constitution, the King of Den-

* Mr. Horace Walpole published in 1768, an excellent Quarto, intitled, *Historic Doubts on the Life and Reign of King Richard the Third*. The intent of this speech seems to be the prevention of all *historic doubts* on the events of the reign of George the Third. Mr. Walpole says, page 40, "the doubts on the validity of Edward's Marriage were better grounds for Richard's proceedings than aspersions of his mother's honour. On that *invalidity* he claimed the crown, and obtained it; and with such universal concurrence, that the nation was undoubtedly on his side."

mark, the Princes of Brunswick and Hesse, and others of the Protestant line, are actually in the parliamentary entail of the crown. They will think that we are proceeding in a very irregular manner, when we make settlements on the children of the King's next brother, as legal heirs of the crown after the children of the King, before the marriage of his Royal Highness has been publickly recognized.

Sir, in this bill I should have been happy if there had been a clause respecting her Royal Highness the Dutcheis of Gloucester, for whom no establishment is mentioned, although the Bill contains a provision for her two children. The honour of the nation, and the splendor of the British Crown, call upon us to proceed to ascertain an adequate provision during life for the wives of the Royal Brothers. It would have naturally taken place in a bill of this nature, consecrated to the Brunswick line, the elected of Heaven and the people, as the protectors of our liberties, if ministers had adopted the same liberality of sentiment, which pervades the nation. Is this Parliament, Sir, doomed to counteract the wishes of a whole kingdom? or is it meant to attempt the subjecting every branch of the Royal Family to the same servility, which has characterized the present majority in this House?

There is not, Sir, a private gentleman among us, who has not painful ideas from the precarious situation of the two Royal Duchesses, almost unparalleled in any family of distinction. They have still to expect, from the merited esteem of the nation, an establishment adequate to their high rank, and the additional lustre it has received from their unexceptionable, I might say exemplary, conduct. I hope such a provision will be

made, and I am very happy that the worthy * Baronet near me has given the House assurances of his moving it in Parliament, if it continues to be neglected by administration. The motion will come from him with weight and dignity, nor can there be a doubt of his generous endeavours being crowned with success.

To facilitate, Sir, so important a business, the previous step I have mentioned seems necessary. Every communication ought to be made to parliament, which can elucidate a matter at present obscure, that we may know the sure grounds on which we proceed. We shall then be in possession of those clear proofs alluded to, without which I do not think we can with propriety enter upon that clause of the bill in your hand, Sir, which respects the descendants of the Duke of Gloucester. I therefore hope, Sir, for the concurrence of the House in a motion for “ *an humble and dutiful Address to the King, that his Majesty would be graciously pleased to order the proofs of the marriages of their Royal Highnesses the Dukes of Gloucester and Cumberland, to be laid before this House.*”

The motion was seconded by Lord Irnham, member for Stockbridge, but withdrawn on the request of Sir James Lowther. Notwithstanding the importance and dignity of the whole business, it was hurried by administration through both houses, with a precipitation indecent with respect to Parliament, and not very honourable to the several illustrious persons, who were the objects of the bill. Lord North delivered the message from the King on the 8th of April. A bill was ordered to be prepared and brought in on the same day.

* Sir James Lowther, Baronet, Member for Cumberland.

The bill appeared in the House on the 10th, Friday; was read a first and second time, and committed. April 13, Monday, the House resolved itself into the committee, went through the bill, received the report of the committee, and ordered the bill to be ingrossed. The bill was on April 14 read a third time, passed, and sent to the Lords. April 15, the Commons received a message from the Lords, by the Lord Chief Baron Skynner and Mr. Baron Hotham, that the Lords had agreed to the bill. On the 16th of April, the eighth day only after the message of the crown, the bill received the royal assent.

VOTES of May 26, 1778.

A motion was made, and the Question being put, "that this House will now resolve itself into a committee of the whole House to *consider* the state and condition of the army which surrendered themselves prisoners, on convention, at *Saratoga* in *America*; and also by what means Lieutenant General *Burgoyne*, who commanded that army, and was included in that convention, was released, and is now returned to England;"

It passed in the negative.

The motion was made by Robert Viner, Esq. member for Lincoln. He stated a variety of questions, to which he desired answers from General Burgoyne. Sir Henry Hoghton, General Burgoyne's colleague at

Preston, proceeded to put several other questions, when he was interrupted by the Speaker, who observed, that the motion had not yet been seconded. A silence of a few minutes ensued.

Mr. Wilkes then rose, and said,

Mr. Speaker,

I rise to second the motion of the honourable gentleman; but I confess that I am not a little embarrassed as to the mode of our proceeding on this singular business. I entirely approve the motion as far as it goes, and will give it a firm support. At the same time I declare, that I think it too narrow, and that it ought to be amended and enlarged by some general words, which would comprehend all the transactions of the northern army in America during the last campaign, prior to the affair of Saratoga. I believe that I am not at liberty both to second the motion, and to propose an Amendment. I submit to you, Sir, the point of order. I rejoice that the honourable member is now among us, for I hope to obtain from him *that* information which Ministers have denied to this House. I think *that* information ought to include every transaction of moment from the General's leaving Europe to his embarking from America. Truth will, I am persuaded, at length reach the public ear. I do not, however, Sir, in this fair and full historical detail mean to include a relation of the military operations of the last campaign. The House may not be competent to a decision on those subjects. But, Sir, I would go much farther than the honourable gentleman, who made you the motion. I would
closely

closely pursue the steps of those, who with *unballed* feet invaded America. A nice sense of national honour calls upon us to enquire into the causes of the loss of an entire British army by a disgraceful capitulation, into the particulars of the treaty with the *savages*, their conduct during the campaign, the imputed cruelties, and particularly the setting fire to villages and houses of the country people, without any apparent necessity from military motives. These important considerations, with many others, are not comprehended in the motion of the honourable gentleman.

Sir, I desire it may be understood, that I do not rise to bring a charge against the commander in chief, but, as a public man, to ask that information, which can best be had from an intelligent officer of high rank, just returned from the great scene of action. I am sure he will most willingly give it to the House. Every Gazette of Europe and America has published the disgrace of our arms at Saratoga, the ignominious terms of the convention, the charges of frequent murders and massacres of the defenceless inhabitants, and the wanton devastation and burning of the country by the British troops. I am entitled to the General's thanks for assisting in giving him this long-wished opportunity of clearing up many particulars confessedly perplexed and intricate, of justifying himself, and others, under the charges which have been exhibited, at the bar of the public, by half the printed papers of almost the last twelvemonth. His delicate feelings will always respect the opinion of his country, and he will listen with attention to the voice of the people, possessing an undoubted right to scrutinize his conduct as well as that of every man in their service, and the

military

military servants of the Crown mentioned in the *proclamation*. I should rejoice that the unhappy impression made on the minds of men by that *proclamation* issued by the General last June from the camp at Putnam Creek was done away. It bears his name, and is, I believe, avowed. The candid part of the world will be anxious to have the same clear evidence of his wise conduct and humanity in North America, which he often gave there of an active spirit, and great personal bravery. It would ill become me, Sir, on this momentous occasion, to take up more of your time. The impatience of the House is highly raised, and justly excited, by objects of infinite consequence, and cannot fail of being compleatly gratified.

The Hon. *Charles-James Fox*, member for Malinesbury, proposed an amendment by inserting, after *consider*, the words, “ of the transactions of the northern “ army under Lieutenant General Burgoyne, and of.” The motion for the amendment was seconded by Thomas Powys, Esq. member for Northamptonshire.

Sir *William Meredith*, member for Liverpool, late Comptroller of his Majesty’s household, said, that the honourable gentleman [Mr. *Wilkes*] had criminated in a cruel manner an unfortunate general, and made use of injurious and unbecoming expressions against an officer of distinguished merit, who had ventured his life in the bravest manner on many occasions.

Earl *Nugent*, member for St. Mawes, declared, that there was not the least blame any where in his opinion, but a series of unexpected events, which were the fortune of war; that every thing respecting the charge of inhumanity, or cruelty, or unsoldierlike treatment, was merely a *vague report*; that he had read
every

every thing published on the occasion, and would assert, that not a single paper, or letter, of authenticity, had appeared to justify any harsh expression against the commander in chief of the army which capitulated at Saratoga.

Mr. Wilkes replied,

Mr. Speaker,

I am on this occasion merely the echo of the public voice. I have made no personal attack on the commander in chief, nor undertaken to support any charge against him. Measures, and not persons, I desired minutely to investigate and examine. The epithets, which I employed, were to facts and events not controverted. I suppose it will be admitted, that the convention in 1777 at Saratoga was more disgraceful than the capitulation at Closter Seven in 1757, because the troops in Germany kept their arms.

I have not proceeded, Sir, at any time on *vague report*. I referred to authentic letters published by order of the Congress, and to other state papers of unquestionable authority, which demand the most serious attention, and nicest scrutiny. The memory of the noble Lord, who spoke last, must either be very confused, or his reading very confined.

General *Burgoyne* then, in a long speech, went into a full state of his conduct the last year in North America. His voice was on that day weak, and not distinct. Many gentlemen near him lost some entire sentences, and the conclusion of most periods. But he has since given the public “ The substance of General “ *Burgoyne’s* speeches on Mr. Vyner’s motion, on the

“ 26th of May, and upon Mr. Hartley’s motion, on
 “ the 28th of May, 1778.”

In this publication he has melted down, and reduced into one, the two speeches on the 26th of May. The reason is given in a note to page 8. “ This part of
 “ the speech, included between crotchets, was omitted
 “ at the time of the preceding and following parts,
 “ and delivered separately upon *a second call of Mr.*
 “ *Wilkes* ; but is now inserted in its proper place, as
 “ better connecting the whole matter spoke to by
 “ General Burgoyne.”

After General Burgoyne’s first speech,

Mr. *Wilkes* said,

Mr. Speaker,

The honourable gentleman has given us a good deal of the ancient Roman history, but overlooked two or three important questions relating to very modern transactions, and our own history. I wish, Sir, an answer to the charge I have repeatedly read of the burning villages and houses, and the wanton destruction and devastation of property, during the progress of the northern army under his command.

One word, Sir, before I sit down, on what is stated by the honourable gentleman, as an event in the Roman history similar to the affair of Saratoga. A considerable Roman army was shut up by the Samnites at the *Furcæ Caudinæ*, obliged to capitulate, and with their general to pass *under the yoke*. So far is retailed out to us, but the sequel of the transaction is not mentioned, I shall give it briefly to the House. Early in the following year, the Dictator Cornelius Lentulus put himself at the head of *the same Roman legions*, and gave the Samnites a total overthrow. It was no article of
 the

the capitulation at *Caudium*, that the *same troops* should not serve again *against the same enemy*. The Samnite general, Pontius, was the very next year after the affair of the *Caudine Forks*, with the whole Samnite army, forced by the Romans to pass *under the yoke*, unarmed, with only one garment each, that the former ignominy might be retaliated by the same troops on the same enemy. The high Roman spirit soon made a conquest of the whole country of the Samnites, afterwards of Italy, of the world.

The question was put on the amendment ; when the numbers were, 95 for the amendment, against it 144. No division took place on the motion of Mr. Vyner.

General Burgoyne, in his publication, has passed the highest compliments on Major General Gates, and on Major General Schuyler, commander in chief of the northern department, whose family treated him *with every possible demonstration of hospitality*.

Speeches, p. 10.

In the " Trial of Colonel David Henley," published by General Burgoyne, he tells the court-martial of " the very honourable treatment shewn us by General Gates," page 57. Let us now hear the charges brought by these two American Generals, *Gates* and *Schuyler*, against General *Burgoyne*, and other British officers. In a letter to his Excellency John Hancock, Esq. President of Congress, dated " Head quarters, Aug. 28, 1777," General Gates says, " The horrid murders and scalpings, paid for and encouraged by Lieutenant General *Burgoyne*, previous to his defeat at Bennington, will for ever stain the honour of the British arms. In one house, the parents, with six children, were most cruelly butchered ; and this polite macaroni paid ten dollars for each of their scalps.

" Heaven

“ Heaven has, I hope, in store, some punishment for
 “ such unheard of crimes.”

American Remembrancer, Vol. V. p. 444.

The *American Remembrancer* is an historical collection of the London Gazettes, the resolutions of Congress, authentic letters, and all papers of authority relative to the grand American dispute.

In Major General Gates's letter to General Burgoyne, dated “ Head quarters of the army of the
 “ United States, Sept. 2, 1777,” it is said, “ I am
 “ astonished you should mention inhumanity, or
 “ threaten retaliation. Nothing happened in the ac-
 “ tion at Bennington, but what is common when works
 “ are carried by assault.

“ That the savages of America should, in their war-
 “ fare, mangle and scalp the unhappy prisoners who
 “ fall into their hands, is neither new nor extraordinary;
 “ but that the famous Lieutenant General Burgoyne,
 “ in whom the fine gentleman is united with the sol-
 “ dier and the scholar, should hire the savages of Ame-
 “ rica to scalp Europeans, and the descendants of Eu-
 “ ropeans; nay more, that he should pay a price for
 “ each scalp so barbarously taken, is more than will be
 “ believed in Europe, until authenticated facts shall,
 “ in every Gazette, confirm the truth of the horrid
 “ tale.

“ Miss M'Rea, a young lady, lovely to the sight, of
 “ virtuous character, and amiable disposition, engaged
 “ to an officer of your army, was, with other women
 “ and children, taken out of a house near Fort Ed-
 “ ward, carried into the woods, and there scalped and
 “ mangled in a most shocking manner. Two parents,

“ with their fix children, were all treated with the fame
 “ inhumanity, while quietly refiding in their once
 “ happy and peaceful dwelling. The miserable fate
 “ of Mifs M'Rea was aggravated by her being drefsed
 “ to receive her promifed hufband, but met her mur-
 “ derer employed by you. Upwards of a hundred
 “ men, women, and children, have perifhed by the
 “ hands of the ruffians, to whom, it is afferted, you
 “ have paid the price of blood. The late Colonel
 “ Baum's fervant, who is at Bennington, would have
 “ come to your Excellency's camp; but when I of-
 “ fered him a flag, he was afraid to run the rifque of
 “ being fcalped, and declined.”

American Remembrancer, Vol. V. p. 455.

General Burgoyne acknowledged, that *he obliged the Indians to deliver the murderer into his hands, upon the firft intelligence of this event*; but we are ignorant of the terms on which the murderer obtained a pardon. The General too clofely copies the example of his Royal Mafter. The murderer did not fuffer an *ignominious death*. Is not that murder yet *unexpiated*? The fate of the unfortunate Mifs M'Rea is almoft the American *facrifice of Iphigenia*, according to the wonderful description of the tender and pathetic Racine, which harrows the foul with terror:

Un prêtre, environné d'une foule cruelle,
 Portera fur ma fille une main criminelle,
 Déchirera fon fein, et, d'un oeil curieux,
 Dans fon cœur palpitant confultera les Dieux *.

Iphigénie en Aulide.

* ————— Reclufis

Pectoribus inhians fpirantia confultat exta. Virg. Æn. b. 4. 63.

In General Gates's "General orders, issued on the 6th of September, 1777," it is said, "If the murder of aged parents, with their innocent children; if mangling the blooming virgin and inoffensive youth, are inducements to revenge—if the righteous cause of freedom, and the happiness of posterity, are motives to stimulate the army to conquer their mercenary and merciless foes,—the time is now come, &c. &c."

American Remembrancer, Vol. V. p. 459.

In a letter from Major General Gates to General Burgoyne, dated at Saratoga, Oct. 11, 1777, we read, "the cruelties which mark the retreat of your army, in burning the gentlemens and farmers houses as they went along, is almost among civilized nations without a precedent; they should not endeavour to ruin those they could not conquer; this conduct betrays more the vindictive malice of a Monk, than the generosity of a foldier."

Vol. V. p. 461.

The following instance of public virtue in Major General Schuyler ought to be given for the noble example. It will exceedingly astonish General Burgoyne, and some other British officers. Lord Beauchamp, one of the Lords of *our treasury*, will *absolutely protest, that it is not barely possible*. Buckingham house will employ Sir John Dalrymple to contradict it from "original papers in the *Dépôt* at Versailles, the *King's Box*, and letters in Doctor North's collection, which the Doctor will again *be so good as to shew him*," and every courtier will affect to believe

believe that *Schuyler* was a pensioner of, and received that money from *France*.

“ In Congress, May 3, 1777:

“ The committee upon the *Treasury* report,
 “ That the commissioners for settling the accounts
 “ of the army in the northern department have produced to the *Treasury* Board, among other accounts
 “ adjusted by them, a general account of the receipt
 “ and disbursement of Major General *Schuyler*; and a
 “ separate account of the disposal of specie remitted
 “ to him by Congress and otherwise, for carrying on
 “ the military operations in Canada. That the last-
 “ mentioned account has, at General *Schuyler's* immediate request, been examined by the Board of *Treasury*, with the several vouchers; that it appears to
 “ this Board, that before General *Schuyler* was supplied
 “ by Congress with any specie at all, he sent into Canada, for the public service, more than 3250 dollars
 “ in specie, that he sent such farther sums in specie into Canada, raised on his private credit, that when
 “ the army retreated from thence, he was in advance
 “ upwards of the value of 10,000 dollars in specie
 “ above what he had been supplied with by Congress
 “ —that to reimburse his friends, who had lent him
 “ the said specie, he, after his retreat from Canada,
 “ drew out of the military chest several sums in specie,
 “ with which it was supplied after such retreat; but
 “ that he remains, upon the final settlement of the said
 “ account, in advance for the public in specie, upwards
 “ of the value of 3250 dollars more than he ever received in specie, having taken continental money in
 “ payment thereof. That it further appears from the

T

“ said

“ said account and vouchers, that none of the specie,
“ supplied to him by Congress before the retreat from
“ Canada, *remained in his hands more than two days*, the
“ same being delivered over to the Deputy Paymaster
“ General.

“ Resolved,

“ That the said Report be accepted, and that the
“ same be published.

“ Extract from the Minutes,

“ CHARLES THOMSON, Secretary.”

American Remembrancer, Vol. V. p. 281.

The Ruffells, Hampdens, and Sydneys, will look down from heaven with rapture on such public American virtue, on the Washingtons, *Schuylers*, and Gateses, while they turn indignant from degenerate Britain.

“ By Philip Schuyler, Esq;

“ Major General in the army of the United
“ States of America, and commander in chief
“ of the Northern department.

“ To the inhabitants of Castleton, of Hubberton,
“ Rutland, Tinmouth, Powlet, Wells, Granville,
“ with the neighbouring districts; also the dis-
“ tricts bordering on White Creek, Cambden,
“ Cambridge, &c. &c. &c.

“ Whereas Lieutenant General *John Burgoyne*, com-
“ manding an army of the British troops, did, by a
“ written paper, by him subscribed, bearing date at
“ Skeensborough House, on the 10th day of July in-
“ stant, require you to send from your several town-
“ ships,

“ ships, deputations consisting of ten persons or more
 “ from each township, to meet Colonel Skeens at Cas-
 “ tle-Town, on Wednesday, July 15th, at ten in the
 “ morning, for sundry purposes in said paper mention-
 “ ed, and that you were not to fail in paying obedience
 “ thereto, under pain of military execution : What-
 “ ever, my countrymen, may be the ostensible reasons
 “ for such meeting, it is evident the enemy mean to
 “ prevail on you, by threats and promises, to forsake
 “ the cause of your injured country; to assist them in
 “ forcing slavery on the United States of America, and,
 “ under the specious pretext of affording you protec-
 “ tion, to bring on you that misery, which their pro-
 “ mises of protection drew on such of the deluded in-
 “ habitants of New-Jersey, who were weak enough to
 “ confide in them; but who soon experienced their fal-
 “ lacy, by being treated, indiscriminately with those vir-
 “ tuous citizens who came forth in the defence of their
 “ country, *with the most wanton barbarity, and such as*
 “ *hitherto hath not even disgraced Barbarians. They*
 “ *cruelly butchered, without distinction to age or sex; ra-*
 “ *vished children from ten to women of eighty years of age;*
 “ *—they burnt, pillaged, and destroyed whatever came into*
 “ *their power; nor did those edifices dedicated to the wor-*
 “ *ship of Almighty God escape their sacrilegious fury.* Such
 “ were the deeds; such they were incontestibly proved
 “ to be, which have marked the British arms with the
 “ most indelible stains, &c. &c. &c.

“ Given under my hand at Head-quarters,

“ Fort Edward, July 13th, 1777.

“ PHILIP SCHUYLER.

“ By the General’s command,

“ HENRY B. LEVINGTON, A. D. C.”

American Remembrancer, Vol. V. p. 443.

I will not multiply proofs. The fifth and sixth volumes of the American Remembrancer contain numberless.

Can we now be surprized at what General Burgoyne declared on Colonel Henley's trial, page 133? "This is but one of several instances that might be selected from these proceedings, to shew the degree of rancour to which the minds of the American soldiers were excited;" but what follows can only be a fine stroke of Indian eloquence, to prove the *powers of the pen* of the General, "*Children, that had scarcely lost the taste of their mother's milk, grew athirst for blood.*" Is this the calm, temperate accuser of the impetuous Colonel Henley? What a candid insinuation to a court-martial, about a prisoner on his trial, is that remark in page 63, "from the 19th of December, the hands of Colonel Henley were *unimbrued in blood* till the 8th of January!"

General Burgoyne says in page 6th of the *Speeches*, "the *proclamation*, which the honourable gentleman [Mr. Wilkes] in my absence treated with so harsh terms, I avow, was penned by myself. The design was to excite obedience, first by encouragement, and next by the dread, not the commission of severity—to speak *daggers*, but use none." *Daggers* and *swords* are fair and honourable weapons against domestic tyrants and foreign foes; but what can justify the cruelties of the *scalping-knife* and *tomohawk*? Were our *Indian* allies provided with *daggers* and *swords*, or with *scalping-knives* and *tomohawks*? Is this just and Christian warfare? General Burgoyne declares that he meant "the dread, not the commission of severity." His words excited the *savages* to every horror. The *Indians*

dians acted under that *proclamation*, alleged the orders of a British General in the King's name, and held themselves justified in "the commission of severity" and cruelty.

Lancaster, Nov. 20, 1777.

"The surrender of General *Burgoyne* and his whole army will determine all the *Indians*, who, under the British influence, were *massacring* the frontier inhabitants, to sue for pardon and peace. The tribe of St. Francis, on the borders of Canada, have already declined protection."

American Remembrancer, Vol. V. p. 101.

It is justice to General *Burgoyne* to observe, that in his letter to Major General *Gates*, of Sept. 6, 1777, he says, "Your intelligence, respecting the cruelties of the *Indians*, is false, except in the above instance" [of Miss M'Rea]. American Remembrancer, Vol. V. p. 457. The capitulation at *Saratoga* was Oct. 17, 1777. I do not find however that General *Gates* has retracted any of the charges, which he brought against General *Burgoyne*.

The *proclamation*, drawn by the humane pen of General *Burgoyne*, boasted "of the *messengers of wrath* waiting his enemies in the field, devastation, famine, and every concomitant *horror*." One should suspect that what is related of *Plato* really happened to General *Burgoyne*, that a swarm of bees fixed on his lips in his cradle, as a presage of the sweetness of his elocution. He speaks of "*giving stretch* to the *Indian* forces under his direction, and they amount to thousands, to overtake wherever they may lurk, &c. &c. &c." In

the "Speeches," p. 3, it is said, "the employment
 " of them [the *Indians*] was *only justifiable, when, by be-*
 " *ing united to a regular army, they could be kept under*
 " *controul.*" The Congress in the "Address to the
 " inhabitants of the United States of America, May 9,
 " 1778:" declare, "the rule of warfare [*with the In-*
 " *dians*] is promiscuous carnage, who rejoice to mur-

der the infant smiling in its mother's arms, to in-
 " flict on their prisoners the most excruciating tor-
 " ments, and exhibit scenes of horror from which na-
 " ture recoils." Mr. Wilkes was therefore justified
 when he declared, that the *proclamation* of General Bur-
 goyne was "shocking to a civilized and generous na-
 " tion, and, as a state paper, disgraced our country."
 Almon's Parliamentary Register, Vol. VIII. p. 10. And
 in a subsequent debate, that "no man, who has read
 " that *proclamation*, and Major General Gates's letter,
 " will shed the tear of pity over the misfortunes of Mr.
 " Burgoyne," p. 135. General Burgoyne, in his
 Speeches, page 7, says, "His *proclamation* served to
 " procure him respect and acknowledgment whenever
 " he afterwards travelled through the country." In
 the "Address of the Congress to the inhabitants of the
 " United States of America," it is said, "A General,
 " who calls himself a *Christian*, a follower of the mer-
 " ciful *Jesus*, hath dared to proclaim to all the world
 " his intention of letting loose against us whole hosts
 " of savages, whose rule of warfare is promiscuous car-
 " nage, &c. &c." In Congress May 9, 1778, Re-
 solved, "That it be recommended to ministers of the
 " gospel, of all denominations, to read, or cause to be
 " read, immediately after divine service, the above
 " Address

“ Address to the inhabitants of the United States of
 “ America, in their respective churches and chapels,
 “ and other places of religious worship.” Published
 by order of Congress.

CHARLES THOMSON, Sec.

Lord George Germaine has informed mankind from whom the idea of making *Indian savages serve with the British troops as fellow soldiers* originated. General Burgoyne's own nature is certainly mildness, humanity, and courage; but he has been in very bad company. His sentiments, in February 1775, were well expressed by himself in the first volume of the *Parliamentary Debates*, pages 250, 251; but since I suspect that his peace of mind is departed, and his slumbers are often disturbed

With screaming *horror's* funeral cry. GRAY.

He said, “ Let every action of the unhappy conflict
 “ be directed and marked by that temper which ever
 “ ought to discriminate the correction of the state
 “ from the sudden and impetuous impulse of passion
 “ and revenge.” He had not then been *personally* to
his Majesty in his closet, nor *humblly laid himself at his*
Majesty's feet for such active employment as he might think
him worthy of, as he mentions in his letter of Jan. 1,
 1777, he had a few days ago. Is it possible that the
 same man, who was inspired with such noble senti-
 ments in 1775, could in 1777, in the King's name,
 issue a *proclamation, penned by himself*, in which he
 talks of *giving a stretch to the Indian forces, of executing*
the VENGEANCE of the state, of the messengers of wrath,
of devastation, famine, and every concomitant horror?
 This British General, however, declares himself a se-

rious, good believer, and makes a parade of his *consciousness of Christianity*, and his *Royal Master's clemency*. The story of the prophet *Elisba* and *Hazael* must surely have affected him. "And Hazael said, "Why weepeth my Lord? And he answered, Because "I know the evil that thou wilt do unto the children "of Israel: *their strong holds wilt thou set on fire, and "their young men wilt thou slay with the sword, and will "dash their children, and rip up their women with child.*" And Hazael said, "But what, is thy servant a dog, "that he should do this great thing?" 2 Kings, chap. viii. v. 12, 13.

If Mr. Burgoyne is to be tried by his own declarations in the speech of Feb. 27, 1775, let him furnish the evidence. He says, "Let a persuasion uniformly "prevail, that upon a review of our conduct hereafter, "by our dispassionate and impartial countrymen, our "bravery will be judged by the test of our compassion." The public have a just claim on him in a case where the national honour is so deeply interested. Why is his justification delayed? He knew the suspicions which were gone abroad even in 1775. In that famous speech, he says, "in some of the licentious prints of "the times there have not been wanting *suggestions* to "the public, that a sanguinary minister had chosen "the generals best fitted by their inclinations to carry "havock and destruction through the continent of "America." The general was certainly well grounded in the fact, and the *suggestions* were thought to arise from the cruel outrages at *Preslon*, of which he was judicially convicted. His situation in 1775 was essentially different from that in 1777. He declared to the House of Commons in February 1775, "it might be "thought

“ thought that I fought the situation in which I am
 “ going to be employed. I publickly declare I did
 not seek it.” But Jan. 1, 1777, he writes, “ I humbly
 “ laid myself at his Majesty’s feet for such *active em-*
 “ *ployment* as he might think me worthy of.” The
 fact cannot be controverted, that Sir Guy Carleton’s
 military command was in 1777 *confined* to the boun-
 daries of the Province of Quebec; and even General
 Burgoyne, in the speech of May 26, 1778, mentions
 “ the *disappointment* of Sir Guy Carleton, in not being
 “ employed to conduct the campaign of 1777.” Ge-
 neral Burgoyne was commander in chief the last cam-
 paign in North America. It becomes him to justify
 his conduct against the declaration of Congress of
 May 9, 1778. “ The course of their armies is
 “ marked by rapine and devastation. Thousands, with-
 “ out distinction of age or sex, have been driven from
 “ their peaceful abodes, to encounter the rigours of
 “ inclement seasons; and the face of heaven hath been
 “ insulted by the wanton conflagration of defenceless
 “ towns. Their victories have been followed by the
 “ cool murder of men no longer able to resist; and
 “ those who escaped from the first act of carnage have
 “ been exposed by cold, hunger, and nakedness, to
 “ wear out a miserable existence in the tedious hours
 “ of confinement, or to become the destroyers of their
 “ countrymen, of their friends, perhaps (dreadful
 “ idea) of their parents or children, &c. &c.” The
papers which, General Burgoyne says, *are now in pos-*
session of the Secretary of State, page 2 of the speech on
 May 26, 1778, will undoubtedly be a full answer to
 the *Congress*, for it is impossible to conceive that the
 General should be the only Englishman who did not
 feel

feel the force of his own beautiful words in the speech of Feb. 27, 1775, "There is a charm in the very
"wanderings and dreams of *Liberty*, that disarms an
"Englishman's anger."

When General Burgoyne declares, "I cannot but
"lament he [Lord George Germaine] did not produce
"other letters of mine," the General's *lamentations*
cannot be very sincere, for he may produce his own
letters when he pleases. He says, "in regard to the
"report made by myself, I acquit the King's Mi-
"nisters of any blame in *not yet having made it public*,
"because it was so voluminous that the *papers* could
"not be *digested* and copied, with the constant labour
"of three clerks, before last Saturday [May 23],
"when they were put into the hands of a noble Lord,
"secretary of state for the American department.
"But, I trust, that noble Lord will now *lose no time to*
"*make public matters of such importance.*" Lord George
Germaine has not yet *made public matters of this im-
portance*, which we find were *digested*, and delivered
to him so long ago as the 23d of May. The suspicion
is, that he never will; but why does the General de-
lay his justification? He ought to account to the na-
tion for the loss of an entire British army, which he
commanded, in a country which he knew, where he
had served the preceding year. The command was
warmly solicited, and he succeeded, to the *disappoint-
ment* of that brave and experienced officer, the gallant
defender of Quebec, Sir Guy Carleton, who nobly
gave him every kind of assistance. The plan of the
campaign he had settled with the King in his closet.
His *requisitions* had in many instances been exceeded;
the 8,000 regulars, rank and file, the immenseartil-
lery,

lery, the corps of watermen, the 2,000 Canadians, the 1,000 or more *savages*, &c. &c. &c. Let him then give solid reasons for the national disappointment, and he will more than stand excused. The same tender compassion and pity, which James II. experienced from the generous English, when he was brought back to Whitehall from Rochester, and General Burgoyne found from the Americans after the capitulation at Saratoga to the hour of his embarkation for Europe, will infallibly be the never-failing attendants on his cause in England. Let him plead to the jurisdiction of the *public*, and not lose himself in silly complaints of *being debarred, by an interdiction, from the presence of his Sovereign*, page 27. He ought to dread the *King's closet*. Is there any one of the present Ministers would trust himself there, with only the Sovereign, on any important business? Poor *Yorke*! *He was a man of spirit, for he had a quick sense of shame, and death has redeemed his character.* General Burgoyne ought to have foreseen, that, if he was unsuccessful, although he had exactly fulfilled all the parts of his duty, he would experience every kind of bad treatment and *injury* from the most treacherous court and administration in Europe. He says, that “he is an *injured* individual,” and, “that he apprehends he is a marked *victim* to bear “the sins that do not belong to him,” page 42. Let him prove this, and the justice of the people will be his shield. They will never suffer him to be a *victim* for *obedience to orders* from a man, who ought long ago to have been a *victim* to military justice for *disobedience of orders*; a man reprobated by all the good and brave in Christendom, but whom his *King delighteth to honour*. The nation ought to judge. In the two speeches
of

of last May to a venal majority in the House of Commons, he did not succeed in any one circumstance. Let him now appeal to the *public*, or return to America, *to abide*, as he says, *the common fate of his brethren in the army*; and there let him endeavour to alleviate the miseries of the meritorious soldier.

It becomes daily more important for the General to justify himself under the strong accusations of the Americans, which are renewed on every occasion. In a printed letter of Samuel Adams, Esq. as it is said, to the British commissioners, is the following passage, “ You have told the Congress, *if after the time that*
 “ *may be necessary to consider this communication and trans-*
 “ *mit your answer, the horrors and devastations of war*
 “ *should continue, we call God and the world to witness, that*
 “ *the evils, which must follow, are not to be imputed to Great*
 “ *Britain.* I wish you had spared your protestation. Matters of this kind may appear to you in a trivial light,
 “ as mere ornamental flowers of rhetoric; but they are
 “ serious things registered in the high Chancery of
 “ Heaven. *Remember the awful abuse of words like those*
 “ *by General Burgoyne, and remember his fate,*” page
 “ 305. In Congress, Jan. 8, 1778, it was “ Re-
 “ solved, that the charge made by Lieutenant Ge-
 “ neral Burgoyne, in his letter to Major General Gates,
 “ of the 14th of November, of a breach of *public*
 “ *faitb*, on the part of these States, is not warranted
 “ by the just construction of any article of the conven-
 “ tion of Saratoga; that it is a strong indication of his
 “ intentions, and affords just ground of fear, that he
 “ *will avail himself of the convention in order to disengage*
 “ *himself*, and the army under him, of the obligation
 “ they are under to these United States, and that the
 “ security

“ security which these States *have had in his personal*
 “ *honour, is hereby destroyed.*” American Remem-
 brancer, vol. VI. p. 64. The committee of the Con-
 gress state this charge in very remarkable terms ; “ this
 “ charge of a breach of *public faith* is of a most serious
 “ nature, pregnant with alarming consequences, and
 “ deserves greater attention, as it is not dropped in a
 “ hasty expression, dictated by sudden passion, but is
 “ delivered as a deliberate act of judgment, com-
 “ mitted to writing, and sent to the General with whom
 “ he made the convention ; and if credit is to be given
 “ to General Burgoyne’s account of himself, in his let-
 “ ter to General Heath of the 25th of November, he
 “ cannot be considered *of so light a character, as to have*
 “ *acted, in a serious matter of state, upon a sudden impres-*
 “ *sion.*” General Burgoyne, in his dispatch to the Pre-
 sident of the Congress from Cambridge, Feb. 11,
 1778, says, “ I trust no words of so harsh a nature
 “ as to imply a distrust of my *personal honour* will be
 “ suffered to remain in the Journals of Congress.”
 Will the General, for his own sake, inform the public,
 whether *words of so harsh a nature do remain in the Jour-*
nals of the Congress ? and, for the sake of his country-
 men, will he tell the nation, what has been done in con-
 sequence of a resolution of Congress so long ago as Jan.
 8, 1778, “ that the embarkation of Lieutenant Ge-
 “ neral Burgoyne, and the army under his command,
 “ be suspended till a distinct and explicit *ratification of*
 “ *the convention at Saratoga shall be properly ratified by*
 “ *the court of Great Britain to Congress ?*” It is to be
 feared, that by the *proclamation* General Burgoyne, to
 use his own words, *contracts a stain that can never be*
wiped away. Trial of Colonel Henley, page 69. In
 another

another debate, Mr. Wilkes hinted at the only possible apology for the General. “ *Burgoyne’s* barbarous *proclamations* appears now to be only a consequence of “ his sanguinary *instructions*.” Almon’s Parliamentary Register, vol. VIII. page 429. It is impossible that a man of true bravery, like General Burgoyne, can be in his nature cruel. To avoid an *information ex officio*, to be filed by a Scottish Attorney General, and tried by a Scottish Chief Justice, I shall give my opinion in the cautious words of General Burgoyne in his last publication, “ I shall only remark, how little the excuse would benefit Colonel Henley, *who would still remain a cruel agent of*--I will use no improper “ terms.”). Trial of Colonel Henley, page 64.

General Burgoyne, in the “ Speeches,” pages 8, 9, and 10, justifies very fully from a military necessity the setting fire at Saratoga to a dwelling-house, store-houses, saw-mills, &c. of General Schuyler; and concludes, “ In this General’s house I remained during my whole “ stay at Albany, with a table of more than 20 covers “ for me and my friends, and every possible demonstration of hospitality: a situation, painful it is true “ in point of sensibility at the time, but which I now “ contemplate with some satisfaction, as carrying undeniable testimony how little I deserved the charges “ of the honourable gentleman [Mr. Wilkes]; and I “ leave it to his feelings, whether, after this explanation, some *farther apology* is not due to me.” It does not appear that Mr. Wilkes has yet made any kind of *apology* to Mr. Burgoyne. Surely it cannot be deemed an *apology* what is said in the “ Speeches,” page 3. “ I agree with the honourable gentleman, who seconded the motion, that all the conduct respecting “ the

“ the *Indian* nations is a matter that ought to be
 “ thoroughly canvassed ; and I look upon his calling
 “ upon me openly, and in my place, as some reparation
 “ for the very free, and not very generous comments
 “ he made upon my conduct in my absence.” Does
 an English Senator stand in need of any *apology* for *making very free comments on the conduct of a General*, or Admiral, who may be absent from necessity, or design, for many years together ? It is certain that Mr. Wilkes has not to this moment made the least *apology* to Mr. Burgoyne : but I hold it as as certain, that he will, when he shall be shewn to have made any false, or *not very generous, comments on the conduct* of that General, when the facts alluded to have been disproved.

Since administration have not laid before Parliament
 “ such papers as are now in possession of the Secretary
 “ of State,” page 2, of the “ Speeches,” why does not General Burgoyne publish them ! He says, “ those papers are of the utmost importance to *the State*, to
 “ Parliament, and to *the public*,” page 3. How can he assert that “ a *parliamentary* investigation is the only
 “ possible means of justification that remains,” page 28, when the freedom of the press still exists ? He may appeal to the most impartial and awful of all tribunals, to the public. His publications are unfair. A letter of General Washington, which is perhaps the finest composition of the age, we have first published by Mr. Burgoyne ; but his letter, to which the other is an answer, does not appear. Too much cannot be said in praise of Mr. Washington, the best patriot, and most meritorious hero of our times ; but it is impossible, from some expressions of the American general, not to suspect that the first letter, which drew forth the polite
 answer,

answer, contained fulsome, surfeiting compliments, familiar to those which, in General Burgoyne's letter to Lord George Germaine, of Jan. 1, 1777, are prostituted on one of the greatest state criminals. It was treachery in Lord George, on no ground of necessity, or personal justification, to give the House of Commons that private, confidential letter. His excuse in Parliament, that *it slipped in by accident among the official papers*, no man believes. Such an apology is an insult. The *author* of the letter, however, is unpardonable.

It may perhaps be amusing to consider the different portraits drawn of General Burgoyne in Europe and America. That of the great master *Junius* is highly finished, but not a very beautiful picture. "No man
" is more tender of his reputation. He is not only
" nice, but perfectly sore in every thing that touches
" his honour. If any man, for example, were to accuse
" him of taking his stand at a gaming-table, and watch-
" ing with the soberest attention, for a fair opportunity
" of engaging a drunken young nobleman at piquet,
" he would undoubtedly consider it as an infamous as-
" persion upon his character, and resent it like a man
" of Honour.—Acquitting him therefore of drawing a
" regular and splendid subsistence from any unworthy
" practices, either in his own house or elsewhere, let
" me ask your grace (*the Duke of Grafton, the profligate*
" *Minister of 1769*) for what *military merits* you have
" been pleased to reward him with military govern-
" ment? He had a regiment of dragoons, which, one
" would imagine, was at least an equivalent for any
" services he ever performed. Besides, he is but a
" young officer considering his preferment, and, *except*
" *in his activity at Preston*, not very conspicuous in his
" profession.

“ profession. But it seems the scale of a civil employ-
 “ ment was not sufficient, and military governments,
 “ which were intended for the support of worn-out
 “ veterans, must be thrown into the scale, to defray
 “ the extensive bribery of a contested election.” Vol. II.
 page 24. Mr. Burgoyne, in the *Speeches*, page 41, says,
 “ that I think myself a *persecuted* man, I avow.” It
 was not at least at that time, nor by the Duke of Grafton,
 nor Lord Mansfield, that he was *persecuted*. For
 the *military outrages* at *Preston* he was only fined by Lord
 Mansfield 1000*l.* *not imprisoned*, as General Smith was
 for inferior crimes at an election; and the Duke of
 Grafton gave him, as an indemnification, by order of
 the King, the 3500*l.* for which he sold a patent place
 to Mr. Hine, &c. &c. &c.

General Burgoyne’s miniature of himself is a little
 different from the picture of *Junius*. He boasts of
 “ a *warm* and *unsuspicious* heart,” in page 18 of ‘the
Speeches.

Monsieur St. Luc le Corne, the Canadian, now in the
 British service as a leader of the *Indians*, who had
 “ been formerly instrumental in *scalping* many hundred
 “ British soldiers,” *Speeches*, page 7, gives us a kind
 of *skeleton*, in *political anatomy*, of General Burgoyne,
 “ *il est brave, mais il est lourd comme un Allemand*,” “ *he*
 “ *is brave, but heavy as a German*.”—I hope he did not
 mean *heavy as*—I hope *Monsieur St. Luc L’Evangéliste*
 was a better painter than *Monsieur St. Luc le Corne*.
 Considered as a portrait, it is not a striking resem-
 blance, for of two leading features the *German* likeness
 is mistaken.

William Tudor, Esq; the Judge Advocate on the
 trial of Colonel David Henley, shall be our other Ame-
 U rican

rican Painter. He moulds beauties in wax, like his countrywoman, the celebrated Mrs. Wright.

“ The proceedings have acquired greater force from
 “ the *abilities* of the prosecutor [General Burgoyne]
 “ than from their real merits.”—Trial of Colonel Hen-
 ley, page 139. “ It is now my duty to state the facts
 “ as they rise from the evidence, stripped of all that
 “ meretricious colouring which *uncommon ingenuity and*
 “ *refined eloquence* have thrown upon it.—Insinuations
 “ of a general massacre have been dressed out in all the
 “ pomp which *Attic language* could give, and wanted
 “ only truth to have made it felt.”—Page 140. “ The
 “ General has argued with a *knowledge and ingenuity*
 “ that would do credit to the ablest of my profession;
 “ but the doctrine does not apply, *because there is no*
 “ *proof*, nor reason to suppose, that the Colonel [Hen-
 “ ley] had given such orders, or used such influence,
 “ as to excite men to acts of violence.—His written
 “ orders indeed prove the direct contrary.” page 143.
 “ a cause supported by *so able an advocate* as General
 “ Burgoyne.” page 145.

Not only different *portraits*, but different *comparisons* have likewise been made of General Burgoyne. There is however nothing so unlike as a modern comparison. Let us trace it only through three instances so frequently mentioned, the King, Lord Mansfield, and General Burgoyne. The *Sovereign* is too often compared to *Charles I.* on account of that love to despotic power, and fatal obstinacy, which cost the second Stuart the loss of *all* his dominions, and his life. He consented however to the death of one man, Lord *Stafford*, with extreme reluctance, and regretted it publicly in his last moments. How does the resemblance hold

hold with our present Sovereign? He has lost *only* thirteen provinces, and, thank God! is in perfect health. He has shewn himself not only the *defender of our faith*, but likewise of our *liberties*, and given numberless proofs of the utmost readiness to comply with the wishes of his people, whom he tenderly loves. Did he testify the least weakness on the much-lamented death of the Chancellor *Torke*? The Duke of Grafton has not yet forgotten the witty simile, or the memorable words, *My Lord, you may kill the next Percy yourself*; but when *Junius* says, “ he had but *that instant wiped the tears away, which overcame Mr. Torke,*” does it appear that he shed any at the said catastrophe of a man of honour from one unguarded hour at the Queen’s House alone with his Prince? No farther purpose remained to be answered by

Uberrimis semper lachrymis, semperque paratis
In statione suâ, atque expectantibus illum
Quo jubeat manare modo. JUVENAL.

But why are we to dwell on the circumstance of the death of any one man, when it is avowed that the lives of thousands of our fellow-subjects are by a *Stoic apathy* outweighed by dirty, yellow dross? What are the words of a speech from the Throne to the present Parliament, Oct. 27, 1775? “ Among the unavoidable ill consequences of this rebellion, none *affects me more sensibly* “ than the extraordinary burthen which it must create “ to my *faithful subjects.*” How many *faithful subjects* have lost their *lives*, as well as their fortunes, in this destructive quarrel; yet the loss of their *fortunes* is what *affects more sensibly*? *Jason* sought the *golden fleece*, and cared little for the sheep.

Lord Mansfield is likewise frequently compared to a former Chief Justice, *Jeffreys*. No two characters appear more dissimilar. *Jeffreys* was deeply concerned in all the arbitrary proceedings of the reign of James II. and distinguished for a hatred to *Juries*. Lord Mansfield has never been a political judge. He has with the utmost caution avoided *appearing* to take the least part in any measures of administration, which were not in the immediate line of his legal department, as Chief Justice of the first court of criminal jurisdiction in the kingdom. His affection to *Juries* has been marked on every trial. He addresses the *twelve Jurymen* in the same mild manner his Majesty speaks to his *twelve* children. It was a regard to the honour and dignity of *Juries* made the noble Earl flush in the face, and cry out, *Pass him by*, when Mr. *Benson's* name was called. His Lordship indeed assigned no reason, but it was well known that Mr. *Benson* had lately been refractory upon a former *Jury*, and even doubted of Lord Mansfield's law. This was certainly a reflection on the other eleven *jurymen*, who resigned their right of private judgment to the court, and therefore his Lordship, as usual, paid his court to the *Majority*.

General Burgoyne has also been compared to *Cæsar*, and others. A great writer says, "in his opinion General Burgoyne comes nearer to the character of *Alexander*, for *Alexander took the straight road to fame*, "by braving misfortunes, difficulties, and dangers." General Burgoyne has undoubtedly braved misfortunes, difficulties, and dangers, when he *took the straight road not to fame—but to Saratoga*—yet how can he be compared either to *Cæsar*, or *Alexander*? Those conquerors subdued the old world. General Burgoyne of the new world

world possessed not an acre, only the ground on which he stood, and in a more modest style than that of an insolent victor, asked *permission to return from whence he came*, on the express promise of *coming back to America upon demand of the Congress, and of re-delivering up his person into their power*. He has likewise been compared to *General Othello*, more speciously than solidly. After the pride and pomp of a glorious war, both Generals have indeed appeared in all the pride and pomp of tragedy, and some passages have indeed been similar, but on the whole the resemblance is faint. *General Burgoyne* talks of *devastation, famine, and every concomitant horror*. The style of *General Othello* is in the same spirit of meekness.

Abandon all remorse,
On *horror's* head horrors accumulate.
Do deeds to make heaven weep, all earth amaz'd.

General Burgoyne speaks of the *messengers of wrath*, and of himself as *denouncing and executing the vengeance of the state*. *General Othello* is only more poetical.

Arise, black *vengeance*, from thy hollow hell.

These particulars may seem decisive, but it must be to a very superficial observer. Two other circumstances respecting the two Generals destroy all analogy. *General Burgoyne* is a fair-faced Christian. *General Othello* was a swarthy Pagan. *General Othello* says,

I've done the state some service, and they know it,
But *General Burgoyne* will not assert that any man knows,
what service he has done the state.

The answers given by *General Burgoyne* to the various charges brought against him, especially respecting

the *Indians*, whose alliance he strongly recommended, and settled with the *King* in the closet, have not been sufficiently explicit or convincing. In Lord George Germaine's letter to General Carleton, dated Whitehall, March 26, 1777, it is said, "As this plan cannot be advantageously executed without the assistance of Canadians and *Indians*, his Majesty strongly recommends it to your care, to furnish both expeditions with good and sufficient bodies of those men." Colonel Butler declares that "he distributed the *King's* bounty among the savages." The Congress only desired the neutrality of the savages. I am firmly persuaded, that General Burgoyne is, as he says, an *injured individual*, "Speeches," page 28, and that he has been ill used by his employers, from not having given that kind of satisfaction to them, which was expected of him. His situation is remarkable. Men, who justified and applauded the massacre in St. George's Fields, who screened and pensioned the murderers of the freeholders at Brentford, think he has done *too little*; but the friends of freedom and humanity are of opinion he has done *too much*. The bludgeons of the mercenaries at Brentford, the tomohawks and scalping knives of our *Indian* allies in North America, will disgrace the history of this æra. The fate of Mr. Burgoyne has not been singular in this reign. He has been bargained for, caressed, employed, disgraced, betrayed, and at last *persecuted*. A similar fate may perhaps await every man of high rank in the military line, who has engaged in the service of a despotic administration to carry on this unjust and barbarous civil war. I really believe that Mr. Burgoyne has beyond forgiveness offended both the *King* and Lord George Germaine, by

not

not being sufficiently severe and vindictive on many occasions, by orders not savage enough to the *messengers of wrath*, the general's and King's *messengers*. When the late Lord Harcourt attended the levee after the gallant exploit of his son, Colonel Harcourt, in the making General Lee prisoner, the surrounding courtiers crowded on him with their compliments, and the fond father expected from the Prince, as a perfect judge of military merit, a few words of congratulation. The King was silent. It was circulated in whispers, that the Sovereign had hinted a dissatisfaction to some of the *King's friends*, ready to applaud even such a sentiment, that Colonel Harcourt had not put General Lee to death. The father retired broken-hearted, and did not long survive.

As to the actual situation of Mr. Burgoyne, it is best stated in his own words, from a letter to the President of the Congress, dated Feb. 11, 1778. "I will return
"to America upon demand of the Congress; and,
"due notice given, *re-deliver up my person into their*
"*power, and abide the common fate of my brethren in*
"*this army.*"

American Remembrancer, Vol. VI. p. 159.

This ruinous war in every point of view must strike us with horror. The fatal contest with our brethren in America, the descendants of Englishmen, recalls to my memory the beautiful words of Sabine, the wife of one of the Horatii, and the sister of the Curiatii, in the sublime Corneille,

Albe, où j'ai commencé de respirer le jour,
Albe, mon cher pays, et mon premier amour,

U 4

Lorsqu'

Lorsqu' entre nous et toi je vois la guerre ouverte,
Je crains notre victoire autant que notre perte.

HORACE.

THE EDITOR.

VOTES of November 26, 1778.

A motion was made by the honourable Charles Francis Greville, one of the commissioners of trade and plantations, member for Warwick, and seconded by Price Campbell, Esq. member for Nairn and Cromartyshires, " that an humble Address be presented to his Majesty, " to return his Majesty the thanks of this House, for " his most gracious speech from the throne; to acknowledge his Majesty's paternal regard for the happiness of his people, in his earnest and uniform endeavours to preserve the public tranquillity---that " we cannot but feel concern and regret, that the measures taken by his Majesty, for disappointing these " hostile and *malignant* designs, have not been attended " with all the success, which the justice of the cause, " and the vigour of the exertions, seemed to promise " ---that it would have given his faithful Commons " the truest happiness to have received the communication from his Majesty, that the just and humane " purposes of his Majesty and the Parliament, for quieting the minds of his revolted subjects, had taken " the desired effect, and had brought the troubles in " North America to a happy conclusion---to assure his " Majesty, that his Majesty may rely on the hearty " and

“ and zealous concurrence and assistance of his faithful
 “ Commons, in enabling his Majesty to make the most
 “ active and vigorous exertions by sea and land, &c.
 “ &c. &c.”

An amendment was moved by the right honourable Thomas Townshend, member for Whitchurch, and seconded by the honourable Charles James Fox, member for Malmesbury, “ to assure his Majesty, that with
 “ the truest zeal for the honour of the Crown, and the
 “ warmest affection for his Majesty’s person and family, we are ready to give the most ample support
 “ to such measures as may be thought necessary for the
 “ defence of these kingdoms, or for frustrating the
 “ designs of that restless power, which has so often
 “ disturbed the peace of Europe ; but that we think it
 “ one of our most important duties, in the present melancholy posture of affairs, *to enquire by what fatal
 “ counsels or unhappy systems of policy this country has been
 “ reduced from that splendid situation, which in the early
 “ part of his Majesty’s reign made her the envy of all Europe, to such a dangerous state, as that, which has of
 “ late called forth our utmost exertions without any adequate benefits.”*

Mr. Wilkes said,

Mr. Speaker,

I have given all the attention of which I am capable to the *Speech* delivered from the throne, and since, according to our forms, twice read by you, Sir, to this House. I am unhappy that I find myself obliged to remark, that there are scarcely more than two particulars in the whole *Speech*, from which I am not forced
 to

to withhold my assent. They are, that we are called together in a conjuncture, which demands our most serious attention, and that a restoration of the blessings of *Peace* ought to be our first wish, and the great object of our endeavours. The conjuncture, Sir, must indeed be allowed to be most critical, and *Peace* is not only desirable now, as at all times, but in the present period appears of absolute necessity to save this convulsed state from impending ruin. Thus far, I believe, a real unanimity prevails; but let me proceed. It is asked by several gentleman, how is *Peace* now to be obtained? Can any man point out to us a mode of restoring to us that blessing? I will hazard, Sir, an opinion, of which my own mind is fully convinced. The measure appears to me the only possible way of salvation to this country in the present dreadful dilemma; a dilemma into which we have been precipitated by Ministers, whose conduct calls for the strictest enquiry, and the forfeit of whose heads, if the guilt lies at their door, can be but a poor amends to a ruined nation. The proposition is indeed most humiliating, but, if founded in necessity, the consequent national disgrace is solely to be attributed to those who created that necessity. I believe the acknowledgement of the *independence* of the revolted colonies is the only measure, which can re-establish a public tranquillity. I sincerely think it would both with America and France, and probably prevent a future Spanish war. It would at this moment, perhaps, shut the temple of *Janus*. From the tyranny and mad conduct of an incapable and wicked administration, it is become the measure of a fatal necessity, if we are in earnest to preserve in any degree of prosperity what remains, if we would save

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our country from the brink of ruin, if we seek to avoid absolute beggary and bankruptcy. An universal discontent now prevails. The people have no confidence in administration. They are detested by the nation, and therefore continued in power. We sigh over American affairs, and all parties agree in lamenting that so little has been done by our fleets against France, after such an amazing expenditure of the public money on the navy.

The honourable gentleman, Sir, who moved the address, told us, that *the Americans were determined to separate their rights from ours, to dissolve all connections between us.* The fact is truly stated. They no longer consider themselves as embarked with us on board the sinking vessel of this state. They avoid us as a tyrannical, unprincipled, rapacious, and ruined nation. Their only fear is, that the luxury and profligacy of this country should gain their people. It was a long patience and forbearance they practised before the idea of being dismembered from the mother country gained ground among the Americans. They were driven into it by our injustice and violence. Repeated violations of their rights, accumulated injuries, wanton insults, and cruelties shocking to human nature, have brought about this wonderful *revolution.* Now it appears to me an impossibility to bring back the Americans to any dependance on this kingdom. Their first steps were marked by temper and moderation. They made the most humble and dutiful supplications to the throne, but at last were told, *that no answer would be given.* From that moment their minds were totally alienated. At the beginning of their justifiable resistance they were not in the least terrified *se vi formidine Martis*, when

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only peaceful inhabitants of the country, or of open towns and villages. Since the declaration of *Independence*, firmness and vigour have governed all the counsels of the Congress. *That* declaration was made at a moment, which proved them strangers to fear, and in their idea superior to all the efforts of which we were capable. It was in July 1776, immediately after the safe arrival of *the whole fleet of transports, victuallers, and store-ships, without any loss or separation, and after his Majesty's troops under the command of General Howe had been landed upon Staten island, without any opposition or interruption*, as we were informed by our own Gazette. From that fatal æra has the Congress, or any one of the Thirteen United States, discovered the faintest wish of returning to the obedience of our sovereign? No man will be bold enough to assert it. On the contrary, the Americans have increased in their hatred of us, and aversion from the yoke of bondage, which we were preparing for them, since we have brought into the quarrel the mercenaries of Germany, and the savages of America, since plunder and cruelty have marked the progress of the royal army and its allies.

I will state *our* present situation with respect to North America. Torrents of noble blood have already flowed in this quarrel; yet the few conquests we made, we were obliged to abandon. Towards the close of the last year, we congratulated ourselves on the taking of Philadelphia, which was then called the most important city of North America, the seat of the *vagrant* Congress, in the insulting language of administration. Before the present year is half expired, *pursuant to his Majesty's instructions, Sir Henry Clinton evacuated*

evacuated Philadelphia at three o'clock in the morning, and escaped through infinite difficulties to New York, very judiciously avoiding the direct road, where he knew the enemy was *in force*. The Congress returned in triumph to Philadelphia, and congratulated the inhabitants of North America on the *important victory of Monmouth over the British grand army*, and the evacuation of Philadelphia, as they had before done on the evacuation of Boston by General Howe. They have bravely stood all the storms of adverse fortune, and are now almost sure of outriding the tempest. Sir, the Americans have suffered greatly; but their sufferings were supported with temper and courage, for they were in the cause of public virtue. They bore adversity like men of fixed principle and honour, engaged in a righteous cause, and determined never to crouch to oppression. The war on their side was founded in the primary ideas of self-defence and justice. It is truly said by the great Roman historian, *justum bellum, quibus necessarium, et pia arma, quibus nulla, nisi in armis, relinquatur spes*.

What is *their* present situation? A powerful ally has declared in their favour. The French declaration goes much beyond what gentlemen seem to apprehend. It is mentioned here only *as acknowledging their independence*, whereas the preliminaries announced at Paris on the 16th day of December to the American commissioners by Monsieur Gerard, in the name of his most Christian Majesty, asserted, *that he would support their independence by every means in his power*. After this are we in earnest when we affirm, that there is any probability of their returning to our obedience, to *unconditional submission*, or to any submission? It is an ob-
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ject of belief too gross for the fondest credulity, for *ignorance made drunk*. If, before the capitulation at Saratoga, they rejected all our specious offers, are any offers now likely to be accepted? or can they be compelled? Will another British army ever attempt to march from Montreal to Albany? Will *the batteries on Sullivan's island be again attacked?* Will Sir Peter Parker ever again *judge it advisable to make an attempt upon Charles Town, South Carolina?* Will he promise that *if the troops can co-operate in the attack, his Majesty will again be in possession of Sullivan's island?* Will any English general command in America an army better disciplined, better appointed, than Sir William Howe's? A series of four years disgraces and defeats are surely sufficient to convince us of the absolute impossibility of conquering America by force, and I fear the gentle means of persuasion have equally failed. We have, therefore, only the dernier resort of parting with our old friends, who can no longer be compelled, or persuaded, to stay. Policy surely warns us not to do it in a manner to force them into the schemes of our ancient enemies, to weaken, perhaps ruin, the mother country. To me it appears equally unavailing and indecent to bring a railing accusation against the old foe of this kingdom, to talk of the *malignant designs of France*.

No plan of negotiation, Sir, has been left untried, but nothing has succeeded, for we find by the commissioners *manifesto* of October the third, that they resolved on *the decisive step of returning to England in a few weeks*.

After the sword and bayonet of honourable warfare had been lifted up; after the scalping knife and tomahawk

hawk of our assassins allies had been sharpened against our fellow-subjects, *peace* at last was preached by our ministers, and a commission for restoring the harmony and union between the two countries was determined upon. To add weight and dignity to the measure, the two houses of Parliament were to give up to this important service three of their own members, as heralds of peace, that the sanction of a part of the legislative body might create an additional awe and reverence. To grace the commission, to captivate the rude members of the Congress, and civilize the wild inhabitants of an unpolished country, a noble peer was very properly appointed chief of the honourable embassy to the Congress*. His Lordship, to the surprize and admiration of that part of the New World, carried with him a *green ribband*, the gentle manners, winning behaviour, and soft insinuating address of a modern man of quality, and a professed courtier. The *Muses* and *Graces*, with a group of little, laughing Loves, were in his train, and for the first time crossed the Atlantic. The next in the commission was only distinguished by a set of principles wonderfully adapted to the spirit of coercion and cruelty hitherto prevailing, the *principles of penal law*†. I have only heard of one other principle belonging to this gentleman, the principle, as well as practice, of passive obedience in the *northern department*. But, Sir, this gentleman carried with him the real secret of the negotiation, and per-

* Frederick Howard, Earl of Carlisle, Treasurer of his Majesty's Household, Knight of the Thistle.

† *The Principles of Penal Law*, a large octavo, published by White, in Fleet-street, was written by William Eden, Esq. Member for Woodstock, a Lord of Trade, one of the Under Secretaries of State for the *Northern Department*, and Auditor, and one of the Directors of Greenwich Hospital.

haps more extensive powers than were given to his colleagues. He knew of the order to evacuate Philadelphia, an order so disgraceful to our arms, so contrary to sound policy, long before it was suspected by either of the other commissioners; but he would not trust them. The other commissioner*, who went from among us, possessed a superior understanding, an happy temper, and a thorough knowledge of business. If success had been attainable, I am persuaded to his wisdom, prudence, and temperate conduct, England had been indebted for the restoration of the blessing of *peace*. But, alas! Sir, all the splendid and *unauthorized* offers of the commissioners were, without hesitation, rejected. The happy moment was passed. The honourable gentleman knows the real friendship I bear him, and the esteem I have of his rare and amiable qualities. In public life, I have always found him manly, firm, and consistent; in private, engaging, social, and friendly. Through the whole of this business he has followed the strait path of duty, and held one uniform language to us and to the Americans. I have been so used to see him in the *minority* here, that he will excuse me, if I figure to myself that in America likewise he continued in a *minority* with the commissioners, and that many things were transacted which he disapproved, but to which he was obliged to submit. He might think himself precluded, as we are here by many strange Acts of the present *majority* of this House. On that supposition I shall not scruple to treat the commissioners with freedom, and hold myself secure of his indulgence.

* Governor Johnstone.

I mentioned, Sir, the *unauthorised* offers made to Congress. The commissioners went exceedingly beyond the powers given them by an act of Parliament, the only source of their power. Did they, Sir, dare to accept secret powers from the Crown more ample than those granted by the Legislature? Their conduct is very suspicious. I well remember six propositions were held out to Congress by the commissioners Letter of the 9th of June. The three first, to consent to a cessation of hostilities by sea and land, to restore free intercourse as well as to revive mutual affection, and to extend every freedom to trade that our respective interests can require, were founded in the authority of the act of Parliament, which created the commission. The three last were a direct usurpation on the rights of the legislative body.

An offer was made by the commissioners to concur in measures calculated to discharge the debts of America, and to raise the credit and value of the paper circulation. It was artfully worded, but perfectly understood, Sir, both in America and at home, that we were to take on our shoulders, already bowed down to the earth, the burthen of the American debts, of the mighty sums raised by Congress to fight their battles against us. The debts of the two countries were to be consolidated into one enormous mass, and provided for by a complaisant Parliament in the same manner. So extravagant an idea must fill every man with surprise and indignation. I give the country gentlemen joy on this occasion. They never flinch from their master, however unrelenting he may prove to them; and to their country. They will now surely acknowledge with gratitude the fairness, the sincerity, the great tenderness,

and kindness of their favourite minister. At the first rumour of an American war, the noble Lord with the blue ribband expressly held out to them a solid and substantial revenue by the taxation of America, in aid of their land tax, and other heavy burthens. Now, so far from attempting to lighten their load, he offers America to throw on the shoulders of England the additional weight of all her accumulated taxes. The most short-sighted of all animals is undoubtedly our country gentleman of the true tory breed. He has scarcely the sagacity of his pointer. Formerly he was very stubborn, and restiff, and could not be driven forward. Now he is perfectly tame, fawns on his feeder, and is easily managed. Mr. Pitt first seized him, and, after some little struggling, plunged him over head and ears in the German war. The noble Lord has gone further, and transported him, weary and exhausted, beyond the Atlantick, where he is likely to continue much longer than he was in Germany.

The commissioners likewise agreed that no military force should be kept up in the different States of North America, without the consent of the General Congress, or particular assemblies. This was in effect making them a sovereign, independent state, if no military force is to compel the refractory, or quell the rebellious. This concession is certainly not warranted by any clause in the act appointing commissioners, and was a manifest, unnecessary usurpation of the power of this pliant Parliament.

The last offer is a gross affront to the very being of Parliament, and to the people, who alone can constitute a House of Commons. The commissioners offer a reciprocal deputation of an agent or agents, from the dif-

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ferent States, *who shall have the privilege of a seat and voice in the Parliament of Great Britain*; or if sent from Britain, in that case to have a seat and voice in the assemblies of the different States to which they may be deputed respectively, in order to attend the several interests of those by whom they are deputed. In the three *Conciliatory acts* not a syllable is to be found of any such intention in the Legislature. Were *agents from the different States of America* to have a *voice* in this House to tax Great Britain, when by the same *Conciliatory acts* they themselves, and America could not be taxed?

It is possible, Sir, that the commissioners might be as little in earnest to secure effectually to the Americans what was offered, as they were at the time to demonstrate their good faith. They ventured, Sir, to assure the Congress, that the *three Conciliatory acts* passed with *singular unanimity*. The contrary is known to be fact. I now, Sir, see many gentlemen in their places, who opposed all the three bills. When a bill of great importance passes with *unanimity*, I believe, Sir, that you think it your duty to give it a further weight by the addition of *nemine contradicente* in the *Votes*. In the *Votes*, Sir, you have not given that sanction to any of the *three Conciliatory bills*. By the words *singular unanimity*, an Englishman would conclude that this was the *singular* instance of *Unanimity* that session, in respect to the three acts, which were considered as one, and passed on the same day. The *learned Scottish secretary* of the commissioners must think differently, for I find eight instances, and perhaps there are more, in the same session, of resolutions and orders passed, and entered in the *Votes* *nemine contradicente*. Of this number are those respect-

ing the calling out the militia, the relieving the Roman Catholics from certain penalties and disabilities, and Lord Chatham's annuity act. With the same regard to truth, he makes the commissioners declare in their *Proclamation, that the French Monarchy ever has been, and in its constitution ever must be, an enemy to all freedom of laws and religion.* I own, Sir, I was surprized at such an assertion from a gentleman, who had acquired great reputation beyond the Tweed, as *professor of moral philosophy in the University of Edinburgh.* I thought that the French nation were formerly called *Franks*, from the freedom of their constitution. I have read in the best * authors, that the *people* of France were wont to be bound by such laws *only*, as they had publickly agreed to in their parliaments, and that the *people* were consulted about the heads of all new laws, and after they had given their consent, they set their hands and seals to each article. Such was the *power of the people*, till the tyranny of their kings in later times swallowed up all the rights of that nation. I beg pardon, Sir, for this digression at so late an hour, but it was on a favourite topic, *the rights of the people.* I return to that important State-paper, the letter of the commissioners to the Congress, on the 9th of June. The letter tells them, that *notwithstanding the pretended date, or present form of the French offers to North America, yet it is notorious, that these were made in consequence of the plans of accommodation previously concerted in Great Britain, and with a view to prevent our reconciliation, and to prolong this destructive war.* This fact too is mis-stated. The Conciliatory propositions were not made by the noble Lord

* Lord Moleworth, who wrote the account of Denmark, translated an excellent treatise on this subject of the famous civilian, Francis Hotoman, called *Franco-Gallia.*

with the blue ribband till the 19th of February, and the French treaty was actually signed the 6th preceding, and the preliminaries were agreed to December 16. The Parliament had been prorogued from the 10th of December to the 20th of January, notwithstanding the strong opposition of the minority, for in that period *peace* might have been obtained. The truth of the case is, that France trifled with the Americans till after the news of the capitulation at Saratoga. There was much ill humour on both sides ; but it was not improved on our part, as it ought to have been. A British general and an entire army becoming prisoners, made her believe seriously in the *independence* of America. Before that period, she had treated it as visionary, as a mere phantom of a heated brain. The weak, infant connection of France with America is at length grown into strength and maturity. Spain was more in earnest, and from the beginning had effectually assisted the Congress by vast supplies of every kind from the Havannah. The capitulation was signed at Saratoga on the 16th of October. The news of that event came to Versailles the first week in December, and on the 16th preliminary articles were adjusted. France on that occasion from a strange inadvertency suffered a remarkable expression to be made public, *that it was manifestly the interest of France, that the power of England should be diminished by the separation of America from it.* This was the language of sound policy on her part. When the *love of liberty* in the French court was held forth in great parade, it became ridiculous in the extreme. We know that there is no more *love of liberty* in the French court, than in our own ; but I rejoice that *liberty* will have a resting place, a sure asylum in

America, from the persecution of almost all the princes of the earth.

The conduct of our ministers, Sir, has effected the separation of America. She never will return, nor are you equal to coercive measures. By the attempt you will bring on an immediate certain French, and probably a not distant Spanish war. I am alarmed for the consequences to this country in its present exhausted state. Will the first minister of Finance tell us, that he sees his way through it, even for the next four, or six, years? I have fears even for our own *honour and security*, mentioned in the *speech*, as *calling loudly upon us*, when I consider our distracted and disunited kingdom, and compare it with the condition of the French monarchy, and the active spirit of a nation containing twenty-two millions of persons, united by affection to one sovereign. England, in conjunction with America, had nothing to fear. When some considerable merchants waited on the first Lord of the Admiralty, his Lordship said, *I have ships enough, but want men. Can you provide them for me? The American resources are gone.* Without her resources, all her weight even thrown into the opposite scale, *that scale must preponderate.* Acknowledge the *independence* of America, you have a chance of detaching her from France, of forming perhaps with her a most advantageous *commercial treaty* and *fæderal union*. I really think you might then avoid a general war. Since the accession of the present King, I know that the first idea, the favourite object of the French court, has steadily been to bring the finances of that kingdom into perfect order; but the favourable moment of humbling her ancient rival, by the American contest, was not to be neglected.

France

France has fatally succeeded. The fact cannot be disguised, nor disguised. America is in my opinion irrecoverably lost. It is indifferent to her, whether you think proper to acknowledge her *independency*, or to call her children your *subjects*, and her provinces your *colonies*. The rest of the world will hear those appellations with derision. You will not be able to enforce any one act, except where your armies are quartered, and your fleets stationed. The very expence of those fleets and armies must exhaust this country. You experienced this for four years with raw, undisciplined farmers and countrymen. You are now to combat hardy, experienced soldiers. Let pride therefore yield to prudence, withdraw your fleets and armies, give up this unjust, barbarous, and destructive war, and *enquire* who deluded you into this *unhappy system of policy*.

The honourable gentleman, Sir, who seconded the amendment, in a divine strain of eloquence, scarcely paralleled, never surpassed within these walls, has treated the *speech* with merited indignation. He pronounced it *false*, demonstrated it to be so, and called it the *King's libel on Parliament*. His was a most abundant harvest. He has left me a very small gleanings; only respecting the *clandestine supply of arms* said to be given by the court of France to the Americans. Sir, it was not *clandestine*. Frequent and considerable supplies were given in the most public manner, in the face of day. I had the honour more than once of informing this House, of several American armed vessels, and ships of-war, being supplied with cannon, arms, powder, ball, and all warlike stores, from the royal arsenals and store-houses, both on the ocean, and in the Mediterranean. I gave the names of the ships and the

other particulars at the time. Was this a *clandestine supply*?

Much miscellaneous matter has been produced, as usual, on this first day of the session. The honourable gentleman, who moved the amendment, has taken an opportunity of painting in their true colours the last race of our kings, whom he called *the accursed Stuart race, the bane of England*. I honour those genuine whiggish principles, in which I believe him sincere and determined. No man, Sir, execrates the memory of those tyrants more than I do. Yet one remark in the present moment I cannot forbear. The *Stuarts* lost every thing for *themselves only*, their crowns, or their lives. The empire remained entire, unbroken in every part. Nothing was lost *for us*. Under the *third* prince of the *Brunswic* line, administration has already lost *us* half the British monarchy, and the rest seems mouldering away. Nothing appears stable, or secure, except the ministerial *majority* in this House. In the late glorious reign, the bounds of the empire were enlarged in every quarter of the world, under the auspices of a brave, martial, humane, and heroic sovereign. We are now ignominiously driven out, not only from some of our late acquisitions, but from the greater part of our ancient possessions. The *enquiry* into this sad reverse is surely our duty as the grand inquest of the nation.

Some remarks, Sir, were made by the honourable gentleman, who seconded the amendment, on the late publications from the families of two noble earls. He thought it clearly proved from the letter of the son, that the father, so long suspected of guiding the measures of the State, no longer possessed any controuling power,

power, or even secret influence. He avowed an unbounded respect, and a kind of *Family Regard*, to the noble Lord. I have the misfortune of differing in this instance very widely indeed with the honourable gentleman. I hold the public character of the noble Lord in utter abhorrence; not from any personal injury, not from any national prejudice, but from his demerit as a Minister. He made the inglorious *peace of Paris*.

Ex illo fluere ac retrò sublapſa referri
Spes Danaûm; fractæ vires.

He boasted of that *peace* in a great assembly. I heard him declare, that he gloried in it, and wished it might be inscribed on his *tomb-stone*, *Here lies the man, who made the Peace of Paris*. The expression was more striking than *original**; but the species of pride, which is founded in deep criminality, must be allowed to be of the first cast. He lost us Newfoundland, passed the odious excise on cyder and perry, by which the exciseman got access into private houses, violated the

* The original expression belonged to another *Scot*, a *Thomas Scot*, one of the *Tyrannicides*, who was executed at Charing Cross, Oct. 17, 1660. In the second volume of the *State Trials* is an account of his trial and execution.

Sir Theophilus Biddolph sworn.

Council. Pray tell my lords and the jury what you have heard the prisoner say, touching this business of *putting the King to death*.

Sir Theophilus Biddolph. I did hear him confess that he did sit as one of the Judges of the late King, and that he was *so far from repenting* of the act, that he did desire, when he died, that a *tomb-stone* might be laid over him, with this inscription, *Here lies Thomas Scot, who adjudged to death the late King*. Page 331.

At his execution the Sheriff interrupted him. Mr. Scot said, *I shall say no more but this, that it is a very mean and bad cause that will not bear the words of a dying man*. Then he prayed, wherein he has this expression. *I say again, to the praise of the free grace of God, I bless his name; he hath engaged me in A CAUSE NOT TO BE REPENTED OF. I say, IN A CAUSE NOT TO BE REPENTED OF*. His prayer being ended, he was turned off. Page 409.

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national faith with the king of Prussia, was guilty of scandalous profusion of the public money in negotiating the loan of three millions and a half for 1763, and advised a cruel *proclamation*, by which he persecuted the brave free Corsicans, as I believe he has since done the Americans. These, Sir, are the grounds of the hatred, which I have always avowed. I agree with a late great statesman, that he has *brought the King and Kingdom to ruin*. As to his influence being at an end, would to God, Sir, it were ! Is the heir of that noble family being lately created an English peer, a proof of the father's now retaining no influence ? Is the lieutenancy of a considerable county, given to the same nobleman, to be admitted as evidence that his power is extinguished ? I give no private anecdotes. I state public facts, from a paper, which in such things only can be trusted, the *London Gazette*. I rejoiced, Sir, that the heir of that noble family was created an English peer, for I thought that the young Lord's unspotted reputation, intrinsic merit, and great as well as amiable qualities, would reflect back more honour than he could receive from a modern peerage of this country ; but I was persuaded that he owed his English peerage no less than his birth to his father.

A brave, but unfortunate General, Sir, urges us to an *enquiry* into the causes of the failure of the late expedition under his command, and he asks a *parliamentary inquest*. I am likewise for *that enquiry*. At the close of the last session he made the same request, which was refused by the same *majority* to whom he now prefers his petition. I have a high esteem for a *parliamentary inquest*, but there is a higher tribunal, *that* of the people, our constituents, ever ready to do justice to the oppressed

oppressed and injured. As an Englishman, let him appeal to the people, and constitute the English nation the judges of his conduct and honour, in every point in dispute between him and administration, or even royalty. He observes, that *the time will come for an enquiry*. It *will* certainly *come* in this mode, whenever he chuses to publish the *papers*, which he furnished to, and are now withheld by, Ministers, *papers of the utmost importance*, according to his declaration in this House, *to the State, to the Parliament, and to the Public*.

The amendment made to the address goes still farther, and takes larger ground, including, however, that of the late American commander. It proposes to *enquire* into all the late *fatal counsels*, which have brought on a dismemberment of the empire. The justice of the nation calls loudly for it, and therefore my feeble voice shall be for that wise and necessary measure.

VOTES of March 10, 1779.

Resolved,

That this House will, *immediately*, resolve itself into a committee of the whole House, to consider of granting *further relief to Protestant dissenting ministers and school-masters*.

Mr.

Mr. *Wilkes* said,

Mr. Speaker,

I rise not at this time to enter into the merits of so important a question to religious liberty among us, but to answer the objections of the honourable gentleman * near me, against going into a committee for this consideration. This early opposition is more harsh than well-judged. He thinks the question should not now be agitated, because a time of *tumult, distress, and war*, is a very improper season to make the least change in the state of religion in any country. Did the worthy baronet forget that a just relief was the very last year granted to many oppressed loyal subjects, to the Roman Catholics, and an important change made in their situation among us † ? Yet, Sir, the last year was equally a year of *tumult, distress, and war*. Not the least inconvenience of any kind has arisen from the Act of last Session in favour of the Roman Catholics, from so great an alteration in our ecclesiastical police. On the contrary, the nation has more firmly attached to it by the ties of gratitude a very considerable number of useful subjects. Not the least *tumult* or disturbance has been the consequence of that wise measure. It is impossible, Sir, that toleration can create *tumults* and religious *wars*. Persecution is, indeed, a most active demon, delighting in human sacrifices, has

* Sir William Bagot, Baronet, Member for Staffordshire.

† The Roman Catholics are supposed to be much more numerous than they really are in England.

“ When the Earl of Radnor moved in the House of Lords for an Enquiry into the number of Roman Catholics in this kingdom, his Grace (Archbishop Secker) was very active in forwarding that measure. The return for his own diocese was no more than 271 ; that for all the dioceses in England and Wales did not exceed 68,000.”

Life of Secker, prefixed to his Sermons, 8vo, 1780.

drenched our fields, and dyed our scaffolds, with the slaughter of the victims of religious rage; but the spirit of toleration is conciliating, heals divisions, and teaches men mutual forbearance, meekness, gentleness, and universal benevolence. The worthy baronet, in the great compass of his reading, will not give a single proof of the mischief even of the most unlimited toleration; but he will find innumerable marks of the bloody footsteps of the revengeful and remorseless persecutor, less intent to save than to destroy.

Another objection, which the honourable gentleman has urged, is, that there is no petition before the House from any body of the Protestant dissenters, no complaint of persecution, no instance of severity against any of the sects which differ from the establishment. When the House proceeded the last year to give relief to the Roman Catholics, was any petition previously presented? Was a committee appointed to state the various facts of persecution, or even harsh usage? Were any cases of that nature urged in proof? No, Sir; the House proceeded on the liberal idea of removing all unjust and impolitick restraints, on the justice of leaving the subject free as to all opinions merely religious, on the natural rights of every man to worship his Creator in the manner which he thinks most acceptable to the Deity. The Roman Catholics had not been harrassed by any legal prosecutions; but the laws were unrepealed which put them in the power of every infamous informer. They were subject at any time to the most rigorous penalties, at all times to the most mortifying restraints. The wisdom and equity of Parliament at last interposed, and restored them to several of their natural rights. Surely, Sir,
the

the Protestant dissenters have a much stronger claim on government. They have steadily supported the cause of freedom. They have acted on almost every occasion with spirit and vigour against those, who have endeavoured to overthrow this free constitution, and bury liberty in its ruins. As the consequence and proof of their attachment to the cause of liberty, they have been among the most zealous for the succession in the present illustrious family, a succession often secretly attempted to be undermined, and openly invaded by the tools of arbitrary power, both at home and abroad. At this hour, however, the Dissenters remain subject to several barbarous and cruel laws, enacted on the spur of a present necessity, as it was thought, and therefore acquiesced in almost without murmuring, but laws, which disgrace a thinking people, and are a contradiction to every principle of sound policy.

The honourable gentleman near me has opposed the motion on another ground, the danger of it to the established church at this alarming period. He pathetically laments the progress of Atheism, and the publication of many atheistical books within the last twenty years. I think this accusation on our country ill founded. I believe, Sir, I have read more books of religious controversy than the worthy baronet, and I deny the publication of the numerous atheistical works, which have engaged the public attention, in this country, even for the last half century. I might call for the proof of a single atheistical book, of the least note, published in the eighteen years of this pious, if not glorious, reign. Deism indeed, Sir, sound, pure Deism, has made a rapid progress, not only in this island, but in every part of the continent. It is almost

most become the religion of Europe*. Atheism is certainly not the prevailing, fashionable error of this enlightened age or country, but every year adds to the number of the disciples of Deism. I have not heard of any outrages or violent persecutions among the Deists, although certainly they are greatly multiplied of late; but we have to lament the uncharitable spirit of most sects of Christians, and even of not a small number of the established church of our own country, of which I am a member as well as my good neighbour. The honourable gentleman is not well informed. It is a mistake to impute all the late publications against the received system of the Christian religion to the Protestant dissenters of any denomination. The fact is, that the authors of the greater part are members of the established church of England.

As the laws now stand, a Dissenting preacher is obliged, in order to avoid severe penalties, and to enjoy the benefit of the Act of Toleration, to subscribe the 39 articles of the church of England, that is of another church, except the 34th, 35th, and 36th, and a part of the 20th article. I hope we shall go into a committee to consider of the repeal of so unjust and uncharitable a system of laws. I will not now, Sir, examine the orthodoxy, or absurdity, of the doctrinal parts of the 39 articles; but I desire to protest against any man's being compelled to subscribe them, because they militate against the first great principle of Christian charity. In the 8th article we find, "that the three creeds, *Nicene* creed, *Athanasius's* creed, and that

* L'adoration pure de l'Etre suprême commence à être aujourd'hui la religion de tous les honnêtes gens; et bientôt elle descendra dans une partie saine du peuple même.

Le Dîner du Compté de Boulainvilliers, page 52.

"which

“ which is commonly called the *Apostles’* creed, ought
 “ thoroughly to be received and believed : for they
 “ may be proved by most certain warrants of Holy
 “ Scripture.” Now, Sir, one article of faith in the
Athanasian creed is, that “ except every one do keep
 “ whole and undefiled the Catholick faith, as set forth
 “ in that creed, *without doubt he shall perish everlast-*
ingly.” I want words, Sir, to express my horror at
 the total want of Christian charity, the indecency, the
 foolish prejudice, and even insolence of such a decla-
 ration. A much higher church authority than St. Atha-
 nasius, the Apostle Peter, assures us, that “ *in every*
nation he that feareth God, and worketh righteousness,
is accepted with him ;” and the great Apostle of the
 Gentiles, St. Paul, seems to hold a very different doc-
 trine ; for he tells us of three beautiful sisters, the
 three Christian Graces, *Faith, Hope, and Charity, which*
abide, these three, but he adds, *the greatest of these is*
Charity. I hope the committee will exempt the Pro-
 testant dissenting ministers and school-masters from be-
 ing called upon to subscribe this monstrous proposition
 of St. Athanasius. I think it our duty, for these con-
 siderations belong directly to the jurisdiction of Par-
 liament. By the very writs of election, we are called
 together to consider of *certain arduous and urgent af-*
fairs concerning the State and the Church. The moment
 likewise appears to be happily chosen, for the bandage
 is at last fallen from the eyes of superstition, and per-
 secution drops her iron rod.

I am not struck by the dread of the danger to the
 Church, with which some gentlemen seem alarmed.
 On the contrary, I think it would do honour to our
 Church to treat with tenderness all those, who are un-
 happy

happy enough not to be in her bosom. I admire the temper with which the late indulgences to the Roman Catholicks were received, and most certainly a Reformed Church must be still more kindly disposed to their Protestant brethren. Our Master has told us, in the largest and most general terms, *that where two or three are gathered together in his name, he was in the midst of them.*

Sir, I honour the ingenuity of the worthy * Baronet, who made the motion, in contriving to oblige us to hear many pages of a sermon, by reading them as part of his speech. It was happily imagined, for I understood on a late occasion that not one member of this House attended you, Sir, to St. Margaret's; and I believe the Chancellor likewise on that day was left without a single Lord. Surely, Sir, it is then high time to discontinue the observance of that annual fast for the death of a tyrant. Many other sermons have this day been quoted by gentlemen; but the proof arising from them only goes to the private sentiments of the preacher, or of the few who hear, or read, and approve those sermons. I really think the general opinion of the clergy at this day is for a liberal toleration, and I trust that a majority even of the episcopal order will now assent. They have acquiesced in the justice done to the Roman Catholics, and I hope the present relief intended to the Protestant dissenting ministers and schoolmasters will not be given with reluctance, nor in the least delayed, but cordially adopted both by clergy and laity, and that *the House will immediately resolve itself into a committee of the whole House, to consider of granting further relief to Protestant dissenting ministers and schoolmasters.*

* Sir Henry Hoghton, Baronet, Member for Preston.

Votes of March 15, 1779.

The * Lord Advocate for Scotland having taken his seat for the first time this session,

Mr. *Wilkes* said,

Mr. Speaker,

I am glad to see now in his place the first law officer of the crown for Scotland. I have a real respect for his very superior abilities, and am always charmed with his manly eloquence. I waited with impatience for his arrival to call upon him to make good his promise last year to the House, to bring in a bill this session for the relief of the Roman Catholics in the northern parts of this island. I remember his observation the last session, that the penal laws of that part of the united kingdom against the Roman Catholics had been enacted previous to the Union, and were of so complicated a nature, that it would require a good deal of time fully to investigate them, in order to frame a bill for their total, or partial, repeal. He therefore declared it adviseable to defer the relief of the Scottish Roman Catholics till the next session of Parliament, when he pledged himself to the House that he would have a bill ready for that purpose. The idea was approved by both sides of the House,

* Henry Dundas, Esq; Member for Edinburghshire.

and warmly recommended to the honourable gentleman's peculiar attention. So much of the present session is already elapsed, that I think it my duty on his first appearance to remind him of that parliamentary engagement, which I doubt not he is ready immediately to fulfil.

The *Lord Advocate* then went into a detail of the peculiar circumstances of his situation, of the late tumults at Edinburgh and Glasgow, and concluded that he believed the Scottish Roman Catholics rather wished the business to be deferred.

Mr. *Wilkes* then added,

Mr. Speaker,

I think it is now apparent that the honour and independency of this House have been meanly sacrificed by the friends of administration to the seditious populace in Scotland. An example of a fatal nature has been given by the mobs of Edinburgh and Glasgow to the mobs of London and Westminster to rise, and endeavour by similar outrages to prevent any matter of moment displeasing to them from ever being brought into Parliament. The magistrates of Edinburgh appear to have been apprized of the intended riot some days before. They at least *connived* at the tumult. If the accounts published there are to be credited, they actually aided and abetted the rioters. They saw with pleasure the various cruelties exercised by a lawless banditti. They exerted their authority only against those, who endeavoured to quell the riot *. By a proclamation in their name, four days after

* In the pamphlet published by Coghill, it is said, "The Duke of Buccleugh and his officers were shocked at what they saw going on, and expressed their in-

after the riot, they seem to plead guilty, for they declare, “ *after* this public assurance, the *Lord Provost* and “ magistrates will take the most vigorous measures for “ repressing any tumultuous or riotous meetings of the “ populace, which may *hereafter* arise; being satisfied “ that any *future* disorders will proceed only from the “ *wicked views* of *bad and designing* men,” a very handsome, although indirect, compliment to the *good views* of the former *well-meaning* rioters. A solemn promise had been made in the name of government to the mob by the * *Lord Justice Clerk*, that no bill in favour of the

“ dignation in the strongest terms; and as the riot act had been read some time before, only waited *Lord Provost’s* (*Walter Hamilton’s*) orders to repel force by force, “ and save the House.

“ When his Grace saw what the mob was intending, he desired the *Lord Provost* “ to give him leave to act with the necessary vigour, and undertook, if he was allowed, to prevent all future mischief; but this leave being refused, he rushed “ among the mob, and took five prisoners with his own hand, whom he delivered to “ his men, but the *Lord Provost* immediately desired they might be released. Upon “ this his grace replied, that being there as a military man, under the command of “ the civil magistrate, he would not release them without express orders. Those “ orders *his Lordship* immediately gave, and the prisoners were released.

“ Hay, straw, tar barrels, and other combustible matter, which the mob had already prepared, were set on fire in different parts of the House; which, when “ Major Sir James Johnston perceived, he immediately ordered some of his men to “ force their way into the House, and extinguish the flames. This they cheerfully “ did, and in a short time had almost got the fire under; but the *Provost*, seeing this, “ desired Sir James to recall his men. The Major expressed his utmost surprize at “ such orders, and refused to recall them, unless *his Lordship* should give him positive “ orders to do so. The orders were immediately given, the men were withdrawn, “ the flames soon prevailed, and in a short time the whole house was reduced to “ ashes, with the best part of the furniture of five families who dwelt in it.” Pages 22, 23, 24.

A Dey of Algiers offered to burn his capital for half the sum, which the Bombardment of it by Louis XIV. would cost; but a *Lord Provost* of Edinburgh is the first Christian magistrate who gave directions, as an incendiary, for the progress of devouring flames in his capital. If a Lord Mayor of London had acted in this manner, he would most assuredly have held up his hand at the Old Baily, and been capitally convicted.

* By the Right Hon. *Lord Justice Clerk*.

Edinburgh, Feb. 12, 1779.

This day a letter was received from *Lord Viscount Weymouth*, his Majesty’s Principal Secretary of State for the Southern department, dated St. James’s, Feb. 8, 1779, addressed

the Scottish Roman Catholics should be brought into the House of Commons this session. Is it possible, Sir, to imagine a more ignominious surrender of the dignity of Parliament, or a more perfect annihilation of our legislative rights? A British Parliament is controlled in their proceedings by an Edinburgh mob, and we are forbid even beginning an act of justice and humanity by an ignorant and insolent mob, by a mad and lawless rabble. The public faith, pledged in the most solemn manner by government to the Roman Catholics of Scotland, is grossly violated. The Attorney General was proceeding capitally against some rioters, who, in the general joy for the triumph of virtue and bravery over malice and persecution, had broken windows in this metropolis; yet the mob of Edinburgh, who had pulled down and set fire to houses, and totally ruined some innocent individuals, are unnoticed by the law officers of the Crown. Instead of punishment, they meet applause; they obtain the object for which they had riotously assembled. England, Sir, has relaxed her penal laws against the Roman Catholics. Ireland has relaxed her penal laws; but Scotland obstinately refuses, although her penal laws are much more barbarous than those of the other two kingdoms *. It becomes then the

addressed to *Lord Justice Clerk*, in which, after informing him of the indisposition of the Earl of Suffolk, to whom, as Secretary of State for the Northern department, *Lord Justice Clerk's* letters had been addressed, and after expressing great concern for the alarms which had been raised in the minds of the people of Scotland, upon the subject of an intended repeal of the laws against Papists, his Lordship *gives the most positive assurance, that no such bill is intended to be brought into Parliament by any member of Government, or by any other person known to his Lordship, and desires Lord Justice Clerk* immediately to take such course as he shall judge most expedient to quiet the minds of all ranks of people on that subject. Tho. Miller.

* The kirk of Scotland appears to be a censorious, ill-bred, abusive, persecuting prude, who can give nobody a good word. She is always talking against her sister of England, a sober, decent matron, whom she reviles for wearing clean white linen, and listening to the *profane* organ. But the greatest object of her rage is a

the wisdom and justice of Parliament in this crisis to act with spirit. The conduct of administration appears to me highly criminal, and the legislature ought therefore to interfere. Every government owes protection to its subjects, or forfeits their allegiance. When I am informed that the peaceable and loyal Roman Catholics of Scotland find no security even in their capital for their lives and property, I do not hesitate to assert that there is a dissolution of all Government.

VOTES of April 20, 1779.

The House resolved itself into a committee of the whole House upon the *Bill for the further relief of Protestant dissenting ministers and schoolmasters.*

Frederick Montague, Esq; member for Higham Ferrers, took the chair of the committee.

Mr. *Wilkes* said,

Mr. Montague,

I am a steady friend to religious liberty and the right of private judgment, and therefore I hope to see this bill go through the committee, *unclogged* by either of the tests proposed by the noble * Lord in the blue ribband, or the honourable † gentleman near him. Nei-

flaunting Italian lady, with whom she is in a real state of warfare. She would not only tear all the fine cloaths from her back, but she would tear the lady herself limb from limb. She delights in the foulest and most opprobrious expressions, and on solemn occasions, as well as in common conversation, calls her *Whore*, and the *Whore of Babylon*.

* Lord North.

† Sir Henry Hoghton, Baronet, Member for Preston,

ther of them has advanced a syllable to prove the claim of the civil magistrate to interpose in matters of private opinion, to over-rule the rights of conscience, or to dictate a creed for the rest of the community. I deny that the civil magistrate has the least concern with the salvation of souls, or that any power of that nature is delegated to him. Men assemble in society only for the security of their civil rights, for the preservation and possession of life, liberty, houses, goods, effects, all kinds of property. The magistrate is therefore armed with the whole force of the state to assist the weak against the violence of the strong. Here his power ends. It need not, it cannot be carried further. My faith, whether robust or feeble, must depend on the persuasion of my own mind, on the strength or weakness of my understanding, on the conviction, which reasoning may operate. A person cannot be privileged to think and examine matters of faith to be believed by another. So far only as I know, can I give a full assent. Some gentlemen near me are mistaken, when they talk in so confidential a strain of the sincerity and certainty of their faith, for no man could ever actually believe every thing in the 39 articles, because no man ever could understand the whole. In every unintelligible proposition, it is impossible to decide as to the truth or falsehood. Vain self-love makes a bigot think any opinion different from his own to be heresy, but every man is undoubtedly orthodox to himself. The power of compulsion in points of faith would lead to the enacting of error no less than of truth. Such a claim is attended with this plain absurdity, that the civil magistrate must every where have the same jurisdiction, and that the sole right of judging must be in him.

I shall therefore be commanded at London to subscribe the *Old and New Testament*; but if I were born in the latitude of Constantinople, the *Mufty* might equally claim my belief of the *Koran*. If I were a native of Indostan, the *Veidam*, the *Gentoo* creed, and the *Ordinations of the Pundits*, must be acknowledged of divine authority; but in the north, all the various nations of the old Scandinavia, would have held out to me the inspired *Edda*, or *system of Runic mythology* *. The civil magistrate can clearly have no right to prescribe error; and we see how infinitely it varies, while truth is simple as well as uniform. It cannot then depend on the magistrate to enact truth, for we find how fallible he is, that he often enacts error, and no man will assert that I ought to be compelled to embrace error. But, Sir, no other man can think and determine for me in matters of conscience. The same argument, which brings conviction to the mind of one man, often operates very feebly on another. If I am not convinced, can I fairly assent or believe? Or am I to be compelled to the declaration of a falsehood? The portion of reason which God has given every man, can alone decide for him on the truth or falsehood of any proposition held out to him by another. By his own reason alone can he judge, and will he be judged.

* An impudent Frenchman has called the established religion of every country, *la religion du bourreau*.

Voltaire has placed this in a strong point of ridicule in his *Epître au Roi de la Chine*.

Quand la troupe écarlate à Rome a fait un choix,
L'élu, fût-il un sot, est dès-lors infailible.
Dans l'Inde le Veidam, et dans Londres la Bible,
A l'hôpital des fous ont logé plus d'esprits,
Que Grizel n'a trouvé de dupes à Paris.

I am at a loss to guess on what pretence, except the lust of power, in some countries the civil magistrate has usurped the claim of decreeing articles of faith for the rest of the community. If I am a good subject of the State, loyal to the Prince and zealous for the welfare of my country, is not the great end of my associating in civil society fully answered? I have stipulated for protection to my person and property from the laws, and the return is obedience to them. I am to defend the State, which defends me; but has this the least connection with my believing the religion of another man, with any mode of faith? In all cases where the public weal is not interested, I preserve my natural liberty. Four or five French wits some years ago sacrificed a *goat* to Bacchus. They had a right to make a burnt-offering of their own *goat* to whom they pleased; to eat any part of it themselves, and consume the rest, according to their private *caprice*. But if a man should attempt to sacrifice his son to Molock, the civil magistrate ought to interpose, and punish not the sacrifice, but the foul murder. The distinction is clear and founded in reason. The one is a foolish, but harmless act, not attended by injury to any person. The other is a horrid breach of the necessary police of every state, a violation of a most important law. The great Locke puts a similar case: “If any people congregated upon account of religion, should be desirous to sacrifice a calf, I deny that they ought to be prohibited by a law. *Melibæus*, whose calf it is, may lawfully kill his calf at home, and burn any part of it he thinks fit. For no injury is done to any one, no prejudice to another man’s goods. And for the same reason he may kill his calf also in a religious man-

“ner. But if the interest of the commonwealth re-
 “quired all slaughter of beasts should be forboren for
 “some time, in order to the encreasing of the stock of
 “cattle, that had been destroyed by some extraordi-
 “nary murrain; who sees not that the magistrate, in
 “such a case, may forbid all his subjects to kill any
 “calves for any use whatsoever?”

Such, Sir, are the sound principles of toleration; and yet Locke was so alarmed by the bigotry and rancorous opposition of the Oxford Tories, *then too in high credit*, that he did not venture to speak out, and to argue with all the powers of his enlarged understanding. He says, that he would tolerate the idolater, not the Atheist. I cannot assign any cause of difference, supposing each to be equally a peaceable subject. Was *David Hume*, the professed Atheist, one of the most humane of our species, an irreproachable denizen, not to be allowed to reside quietly in his own House? Could such a proscription come from a Locke? Can a man forfeit all his franchises for a mistaken point of speculation? As to the Atheist being admitted into places of trust or profit, *that* is a further consideration. Locke argues, “that promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an Atheist.” I admit the observation as to *oaths*, most shockingly multiplied among us on every occasion. Perhaps penalties of a heavy nature might be as effectual with mankind in general. The reasoning does not hold good as to *promises* and *covenants*. This is the doctrine of mere violence. I would not, Sir, persecute even the Atheist *. I think he has a

* There is a beautiful passage in the second book of Esdras, ch. I. ver. 22, 23. Thus saith the Almighty Lord, *When ye were in the wilderness, in the river of the Amorites, being athirst, and blaspheming my name, I gave you not fire for your blasphemies, but cast a tree in the water, and made the river sweet.*

right to toleration, and, for my own part, I pity him, for he wants the consolation, which I enjoy *.

I would support the sublime dome of St. Paul's, but I would not destroy a beautiful *Pantheon*. I wish to see rising in the neighbourhood of a Christian cathedral, near its gothic towers, the minaret of a Turkish mosque, a Chinese pagoda, and Jewish synagogue; with a temple of the sun, if any Persians could be found to inhabit this island, and worship in this gloomy climate, the God of their idolatry. The sole business of the magistrate is to take care that they did not persecute one another, for *priests of all religions are the same*. I speak not individually, but generally, as too fond of power, ambitious, grasping at wealth, honours, and preferment, luxurious, indolent, intolerant. Even the *toleration act* appears to me incomplete, and in a degree to breathe the spirit of persecution. I agree with the honourable † gentleman who spoke last, that it has great need of amendment. There is an absurd *intolerance* remaining even in that act, as if nothing human could be perfect, as astronomers remark spots in the sun. One of the clauses enacts, that *it shall not extend to give any ease, benefit, or advantage, to any person that shall deny, in his preaching or writing, the doctrine of the blessed Trinity, as it is declared in the aforesaid articles, that is, the thirty-*

* Voltaire says, in a letter to a friend, Nov. 10, 1770, Je vous fais bien bon gré de réprover l'*Atheisme*, et d'aimer ce vers,

Si Dieu n'existait pas, il faudrait l'inventer.

Je suis rarement content de mes vers, mais j'avoue que j'ai une tendresse de père pour celui-là.

Les ennemis des causes finales m'ont toujours paru plus hardis que raisonnables. S'ils rencontrent des chevilles et des trous, ils avouent sans hésiter que les unes ont été faites pour les autres, et ils ne veulent pas que le soleil soit fait pour les planètes, &c. &c.

† Thomas Powys, Esq. Member for Northamptonshire

nine articles. Now, Sir, many learned and pious men have been of opinion, that the *Athanasian* doctrine of the Trinity, enjoined to be believed by the thirty-nine articles, is direct *polytheism*. It is certainly a speculative opinion, uninteresting to the welfare of the community, and therefore I ought to be left at liberty to reject or adopt it, according to the strength or weakness of my private judgment. Notwithstanding the present forbearance of the church, which we are now reminded of, we know from such examples as *Whiston*, *Clarke*, and *Hoadly*, that even in this century good and exemplary men have suffered persecution on account of this very doctrine, and various species of pretended heresy, who were preserved merely by the interposition of the humane rulers of the state.

According to the present system of laws, there is not only a real persecution of the Protestant dissenting ministers, but a direct invasion of the natural rights of the laity, of every man who has the happiness of a father's name in this country. I suppose, Sir, it will be readily admitted, that the good education of children is the most important duty of every parent. I will then suppose, as I am told is actually the case of a noble Lord * distinguished for his great political knowledge, and refined taste in the polite arts, that a father is of opinion a certain Dissenting Clergyman will educate his son better than any other person. It becomes then the duty of a father, under such a persuasion, to commit the education of his son to that tutor. Is he then to subject the Dissenting Clergyman to the most ridiculous restraints, *not to come within five miles of a city, town corporate, or borough, unless only in*

* It is thought that this alludes to Lord Shelburne and Dr. Priestley.

passing upon the road, or unless required by legal process, to imprisonment without bail or mainprize, or to heavy pecuniary penalties? or is he to violate the strongest injunctions of nature? I will venture, Sir, to affirm, that there are not in Europe men of more liberal ideas, more general knowledge, more cultivated understanding, and in all respects men better calculated to form the rising generation, to give the state wise and virtuous citizens, than the doctors Price, Priestley, and Kippis. Yet the rod of persecution hangs over them by a single thread, if they do not subscribe *thirty-five articles and a half* of our church. A mercenary informer, or a blind zealot, may bring under the lash of the law, men, who do honour to the age in which we live, and the most abandoned of our species have it now in their power to persecute virtue and genius, when exerted for the benefit of mankind.

The noble Lord in the blue ribband, and the honourable gentleman near him, with a curious inconsistency, are for abolishing one *religious* test, and substituting between them two others, for each proposes a different test to be added to this bill. I am against the old test; and when we have got rid of that, my voice will never be for fresh shackles on tender consciences. I maintain the doctrine of the magistrate not having a right to interfere, except to preserve the peace and order of society, and to protect our civil rights. Are the thirty-nine articles connected as to doctrinal points with the civil duties or rights of the subject? Certainly not. Whence then can arise the right of compulsion to the subscription of them? They are even hostile to civil liberty, and therefore unfit to be imposed on the subjects of a free state: The article
which

which enjoins the *Homilies* to be received as a *godly and wholesome doctrine* will be considered as a libel on this free constitution by every man who has read the *Homily against rebellion*. *That Homily* declares, that, for conscience sake, we must submit to a “*Caligula, a Claudius, or a Nero, foolish rulers, or most cruel tyrants.*” Then was the *Revolution* unjust. Is a free-born Englishman to be called upon to subscribe a doctrine, which no man in Turkey believes or acts upon? Absurdities will in vain be preached and enjoined. In every extreme case we find Nature resumes her rights, and Justice triumphs, in one country by the *bow-string*, in another by the *axe*. All points of speculative doctrine ought to be equal to the civil magistrate. Will it be asserted that a person, who believes only in the Divine Unity, and whose religious worship is restricted to the one sole self-existent Creator, may not be as faithful a subject, as another who believes the Athanasian doctrine of the Trinity, and pays divine honours to inferior, to derived beings. They both may contribute equally to the enormous taxes, which the noble Lord is year after year enforcing for this iniquitous and accursed American war. So far both ought to be held in the same estimation by our political rulers. Is a person to be deemed factious for not believing the subjection of every individual of the human race to everlasting damnation for a crime to which he was not consenting, committed before his existence? May I not hold the universality and impartiality of the divine goodness, if I live peaceably, and obey the laws of my country? Surely, Sir, a good subject may doubt that *every man is of his own nature inclined to evil, and that every person born into this world deserveth God’s wrath*
and

and damnation. I may be zealous for the Protestant succession in the House of Hanover, and yet not believe that the last sweet prince of that illustrious line, the very young *Octavius*, had in so few days abode among us *deserved God's wrath and damnation.* Upon my word, Sir, the doctrine of some, who call themselves orthodox, and deal out *damnation* so liberally, makes an humane man tremble. Let us no longer think of imposing these, or any other, articles of faith. Experience tells us, that terrors and rewards may create temporary proselytes and hypocrites, but reason only can make a sincere convert. It is high time to proclaim religious liberty in its full extent to a people, who have long abjured the spiritual tyranny of Rome.

The honourable gentleman near the noble Lord says, that he “ is for the *declaration against Popery*, because “ it is a *civil test*, and as such it forms a clause of the “ bill on our table.” There is not, Sir, in that *declaration* a single syllable respecting the *civil* rights of mankind. Tenets of religion only are laid down in that *declaration.* The words of it are, “ I do believe “ that in the sacrament of the Lord's Supper there is “ not any transubstantiation of the elements of bread “ and wine into the body and blood of Christ, at or “ after the consecration thereof by any person whatsoever ; and that the invocation or adoration of the “ Virgin Mary, or any other saint, and the sacrifice “ of the mass, as they are now used in the church of “ Rome, are superstitious and idolatrous.” These, Sir, are merely controverted points of speculation, with which the magistrate is not concerned, except as an individual, as a private Christian. They cannot affect the public peace, or safety of the state. A Roman Catholic may believe

lieve these, or purgatory, auricular confession, extreme unction, and other doctrinal points; yet if he will take what is really a *civil test*, the oath prescribed by the Act of last year, that “ he denies the pope, or any other “ foreign prince having any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within the realm, and that he “ will be faithful, and bear true allegiance,” which the most respectable Roman Catholics have done, he then has a claim to the same civil immunities with all other subjects. I wish not to offend, but I declare that I am sorry the Roman Catholic has not the enjoyment of every franchise which is claimed by his fellow-subjects, on the same terms of allegiance, and giving the same security to the state. Gentlemen seem surprised, but it appears to me, by *that* oath the Roman Catholic directly abjures the *imperium in imperio*, gives security for the public peace, and allows the magistrate all the power, which the great purposes of society confer upon him. I plead his cause, because I think it that of religious liberty, and the rights of private conscience, no less than the cause of all Protestant dissenters. I believe I may do it without suspicion; for no man, who ever continued so long at Rome and in Italy, was ever less suspected of being tainted with the errors of Popery. Religion should teach us the most refined humanity, and *all her ways* should be *peace*. The bigot is seldom the virtuous, the meek, the amiable, or the learned character *.

* Our fathers must have been amazed to find that the greatest sticklers for the church in their times were *Dr. Sacheverell* and *Nell Gwynn*, whose funeral sermon, or rather panegyrick, was preached by Tenison, afterwards archbishop of Canterbury.

The noble Lord in the blue ribband proposes another test, an oath of being a Christian, a Protestant, and believing the Holy Scriptures, as *severally received among Protestants*, to be the word of God. The same objection lies to the compulsion of this, as of any other creed, because it is acknowledging the usurped power of the magistrate. Is human authority to give the sanction of a revelation from God to books of divine inspiration? Are all Protestant churches agreed as to the canon of Holy Scripture, as to the purity of the sacred text? In the *Old Testament* are the *Songs of Solomon* universally adopted as inspired writings by all Protestants? The exquisite poetry of them will always be admired; but some sober Christians have doubted whether the spirit of godliness and true devotion was to be found in many of the, luxurious wanton descriptions in the Eastern style. It has been objected, that they rather suggested too sensual ideas, and that the colouring was too warm. In the *New Testament*, the *epistle of St. Jude* has been doubted of as part of the inspired writings, from the account of *Michael the archangel contending with the Devil about the body of Moses*. Are our own divines universally agreed about the authenticity of all the books received as Holy Writ? Have no doubts been entertained by them even of the Gospel of St. Matthew, as we have it in the Greek? We find then, that this proposition of the noble Lord is by no means, like his propositions for taxes, clear and precise, to subscribe the Holy Scriptures, as *received by Protestants*, for it is not yet settled which are the canonical books. If all Protestants were agreed as to the authenticity of the volumes, yet another difficulty would occur. Is the text in so

pure a state that I am certain it was dictated by the wisest and best of beings, that it is truly the *word of God*? We all know of the thirty thousand various readings in the New Testament, some of them confessedly important; and most of the Bishops have encouraged a learned Divine of our Church, Dr. Kennicott, to examine the various manuscripts of the Old Testament; to restore the genuine reading of the Hebrew text. It is not therefore perfect, and consequently ought not to be imposed as the faultless work of the Author of every good and perfect gift. The indefatigable Doctor has already discovered many thousand various readings in the Hebrew, and it will be lucky if he does not double the number of the Greek. Our classical Diocesan candidly confesses the various imperfections, the *corruptions*, the *perhaps wilful*, mistakes of copyists, the additions and interpolations of the Hebrew text, in his excellent lectures, *De sacra Poesi Hebræorum*, and in the judicious *Dissertation on Isaiah*; nor does he confine himself to that sublime prophet. The same remarks are made on a great variety of passages in almost all the books of the Old Testament. We ought not then to be called upon to subscribe every error of a copyist, every interpolation of an ignorant writer, as the immediate inspiration of the Holy Ghost.

The idea of imposing this test, Sir, the noble Lord, probably as a complaisant chancellor, has adopted from the petition of the University of Oxford. Their conduct has been uniform, to abridge, on every occasion, as far as they could, both religious and civil liberty. The noble Lord is deservedly at their head. Their sister University has more liberal and enlarged sentiments. Cambridge refused to petition against a clear
right

right of their brethren; but Oxford perseveres in the fatal maxims of arbitrary power in church and state. The *Oxford decree* of 1683 still remains unrepealed*. It is entered in *perpetuam rei memoriam* in the registry of the convocation, and publickly affixed in the halls, libraries, and refectories. It not only condemns every principle which can justify the glorious *Revolution*, but even *self-preservation*, as a *fundamental law of nature*, is declared to be a *Proposition false, seditious, and impious*. In 1685, the University of Oxford acknowledged, in a solemn *recognition*, James II. to be sovereign, *without any restrictions or limitations*. No wonder, Sir, that from this poisoned source have flowed the most polluted streams. *Unconditional submission* from our American brethren, is naturally exacted by men who have been taught that a king of England is not a limited monarch, but a so-

* The *Oxford Decree* of 1683 still, indeed, remains *unrepealed*, but not *unburnt* by the common hangman.

Extract from the "Journals of the House of Lords, vol. XIX. page 122.

Die Jovis, 23^o Martii, 1709.

The House taking into consideration a judgement and *decree* of the University of Oxford, passed in their Convocation, the one and twentieth of July one thousand six hundred and eighty-three, given in evidence by Doctor Henry Sacheverell at his trial, upon the impeachment of the House of Commons, and thereupon lately reprinted: It is resolved, by the Lords Spiritual and Temporal in Parliament assembled, That the said judgement and *decree* contains in it several *positions, contrary to the constitution of this kingdom, and destructive to the Protestant succession*, as by law established.

It is thereupon ORDERED, by the Lords Spiritual and Temporal in Parliament assembled, that the said judgement and *decree*, lately printed and published in a book or pamphlet, intituled, "*An entire confutation of Mr. Haadly's Book of the Original of Government, taken from the London Gazette, published by authority, London, re-printed in the year 1710,*" shall be burnt by the hands of the common hangman, in the presence of the Sheriffs of London and Middlesex, at the same time and place, when and where the sermons of Doctor Henry Sacheverell are ordered to be burnt.

To the Sheriffs of London and Middlesex.

vereign *without any restrictions or limitations*. It is lucky for England that all our generals and admirals were unable to enforce it in the new World. The Oxford petition on our table expressly complains, *that the Bill does not provide that Ministers and Schoolmasters shall make any profession whatever of their belief in the fundamental doctrines of Christianity, or even the authority of the Holy Scriptures*, and prays, *that the Bill may not be permitted to pass into a law in the unlimited form it was at first proposed*. What the *fundamental doctrines of Christianity* are, and what is the canon of the *Holy Scriptures*, the University left to their Chancellor*, and his majority in this House to determine. The Act of last year in favour of the Roman Catholics extended to "Papists, or persons professing the Popish religion, and keeping school, or taking upon themselves the education, or government, or boarding of youth;" and yet Oxford did not petition, although there was no religious test, no subscription to the Holy Scriptures imposed by that Act. The present Act is "for further relief of Protestant dissenting ministers and schoolmasters," and a test is insisted upon for our Protestant brethren. Whence this marked partiality and tenderness to the Roman Catholics? this ungenerous treatment of Protestants? Are the Roman Catholics thought so generally Tories, and the Dissenters Whigs, that a political friendship at Oxford is formed with the first, and an ill-dissembled rancour seems to prevail against our Protestant brethren?

A Bill similar to this passed the Irish Parliament in 1719, a critical period, in which religious toleration was not so well understood as at present. The peace

* Lord North is Chancellor of the University of Oxford.

of our neighbouring kingdom was not endangered by that relief given to a worthy body of men, nor in a course of sixty years has the least inconvenience been suggested for an attempt at its repeal. Here then is a forcible argument from fact, that all the imaginary mischiefs suggested by gentlemen against the Church of England, as being again in danger from the Bill, deserve no attention. This Bill can affect neither the existence nor the prosperity of the Church. It leaves all archbishopricks, bishopricks, fat deanries, and golden prebends, to their lucky possessors. It only secures the Dissenters from persecution. They do not ask for the fabrick of a single silver shrine of *Diana*. They acquiesce under the State patent granted to others.

Sir, I contend for the most general and unlimited toleration, and I wish the Bill still more extended, to take in all sects and all religions. An universal toleration might, in a good degree, answer the important purposes of a general naturalization bill. It might recruit this unpeopled and impoverished empire. After the infinite drains of this American war, the prodigious waste of blood and treasure, and we are still bleeding at every vein, it might call under the mild protection of our laws numberless inhabitants from every part of the world. It might pour fresh vigour into a weak and feeble nation, nearly exhausted, and almost sinking under a variety of oppressions. The wisest prince in Europe has found this theory confirmed by a long happy experience. The king of Prussia has said, *le faux zele est un tyran qui dépeuple les Provinces. La tolérance est une tendre mere qui les rend florissantes*. Holland owes its rank among the first states of Europe to

one single circumstance, civil and religious liberty flourishing so greatly in the United Provinces. By this she has risen to an amazing height of power in the worst climate, and under every natural disadvantage. In a commercial light let us be instructed by the wary Hollander, that the direct road to population and wealth, is entire security, and freedom of private judgement, to every peaceable inhabitant. I have observed in some parts of Europe, that divine service to the same Deity is performed in the same church by the Roman Catholics in the morning, and the Protestants in the evening, and that they live together in perfect harmony. Surely then, Sir, Protestants of all denominations might be on equal terms of good-will and charity to each other. *Peace on earth and good-will towards men*, are the best political maxims for society; and if we go further, we are told that *the tares should be suffered to grow with the wheat till the harvest*.

The progress of knowledge in almost every nation has softened the rigour of their laws respecting religious worship, or at least has, in a degree, suspended their execution, Scotland alone excepted. Some have adopted a general principle of toleration. *France* has a Protestant at the head of her finances *. The last

* There is a remarkable circumstance with respect to the present state of the Jews in *France*, related in the second volume of "Voyages en differens pays de l'Europe en 1774, 1775, & 1776. A La Haye 1777," page 387.

"La seigneurie de Picquigny, qui appartenoit auparavant au Duc de Chaunes, et qui est une des plus considerables terres de la France par les prerogatives qui lui sont attachees, par le nombre d'habitans qu'elle contient, par la quantite de paroisses et de fiefs qui en relevent, appartient actuellement a un Juif Allenand venu de Hollande, et le Sieur Calmer, qui est cet heureux Hebreux, y exerce tous les droits qu'avoit exerce avant lui le Duc de Chaunes: il confere, à qui bon lui semble, les Cures qui en dependent, et il cree des Chanoines dans l'Eglise Episcopale d'Amiens, dont il est Vicomte"

diet of Sweden, by the unanimous consent of all the orders, granted a full toleration. Even the clergy preached it as sound doctrine no less of the Church than of the State. I hope a spirit of wisdom will govern this House, and make us embrace the present auspicious moment of convincing all foreign nations, that this island will be the asylum of persecuted religion and virtue. Among our greatest glories let it be recorded, that every foreigner as well as native here, in full security, enjoys all the natural rights of mankind, and the inestimable privileges of civil and religious liberty, *unclogged* by penal tests. This *Bill*, supposing it to pass without the tests, is laying a solid foundation, on which a fair superstructure may be raised, and therefore I give it my hearty support *.

* In consequence of this Speech Mr. Wilkes was honoured with the following thanks from the general body of Protestant Dissenting Ministers.

“ By order of the general Body of Protestant Dissenting Ministers, assembled at the Library, Red Cross Street, the second instant, Dr. Kippis, Dr. Stennet, Dr. Harris, and Mr. Toller, wait on Mr. Wilkes, with the unanimous thanks of that Body, for his kind attention to their Bill, and his generous and active zeal in support of the cause of religious liberty.”

The following card was left at Mr. Wilkes's house in Prince's Court, Westminster, on the 23d of June 1780, after the suppression of the riots in the Metropolis.

“ Lord Petre, Sir Edward Swinburne, Mr. Stapleton Mr. William Sheldon, and Mr. Homyhold, have been to wait upon Mr. Wilkes, to thank him for his support and protection,”

VOTES of December 10, 1779.

The House being informed that *T. Matthews*, printer of the news-paper intituled “The English Chronicle,” (of which complaints were made to this House upon the 1st and 3d days of this instant December, for “grossly *misrepresenting a speech*, and reflecting “on the character, of a member of this House, in “breach of the privilege of this House) had attended “the committee of privileges, to whom the said complaints were referred, and had made submission to, “and asked pardon of, the said member for the said offence.”

Lord George Gordon declared to the House, that he was satisfied, and forgave the printer.

Mr. *Wilkes* said,

Mr. Speaker,

I am exceedingly happy to find the pleasing effects of that humanity, which is so striking and beautiful a feature in the noble Lord's character, extended to the poor printer. To his many other christian virtues his Lordship has added that capital one of forgiveness. I heartily approve and applaud such generous conduct. At the same time will my noble friend permit me to suggest a hint, which, if attended to, may possibly in future save this House and the committee of privileges much

much time and trouble? The complaint has been of the misrepresentation of a speech, and the remarks in consequence of that misrepresentation. His Lordship brings this complaint before us, who are the party said to be injured, that we may decide on the merits of our own cause, and at our own option punish the accused. I think his Lordship should have sought a legal remedy, and been superior to this partial, and evidently suspicious, appeal. The courts of law are open, where redress may be resorted to for every injury of moment, which would be ascertained by a *jury* of our countrymen. His Lordship has with much patience and candour heard these sentiments from me in private. I deprecated from him this attack, as I deem it, on the liberty of the press in a very tyrannical, unfair, and unconstitutional manner. It has given much pleasure to the enemies of freedom, to a *majority* among us, whom his Lordship is not, I believe, anxious to please. When the liberty of the press is invaded, it will be soon followed by an usurpation on all our other rights. The press being once silenced, the first great barrier against despotism is taken, and all opposition to a wicked minister, or arbitrary monarch, would be faint and languid, perhaps ineffectual. Upon all occasions, in every station of life, and at the risk of what I hold most important, personal freedom, I will continue the strenuous defender of the liberty of the press, the bulwark of all our liberties. I beg pardon, Mr. Speaker, for this digression. I was going to remark, that his Lordship's justification to the public would have come more full and satisfactory by the publication of the genuine speech than by a complaint to this House of *misrepresentation*, or a prosecution in a court of law. We have
often

often been charmed within these walls with the manly sentiments, the honest effusions of the heart, which characterise my noble friend's speeches. I therefore venture to supplicate his Lordship to gratify the impatience of the public at large, as well as of his own constituents, and the numerous and zealous synods and presbyteries of Scotland, with the permission of reading what you, Sir, and the House heard with so much pleasure. This will not only confute the wicked *libellers* of his Lordship (for *Matthews* is not the only one, they are *legion*), but remain a weighty obligation on the present age and posterity. It will furnish a clear demonstration that in these times, and in this House, we possess one noble senator from the north, who has told ministers the boldest and most unwelcome truths, without the smallest amendment hitherto in a single member of administration.

Page 84 of the VOTES.

“ A petition of the freeholders of the county of Middlesex was presented to the House, and read; setting forth, that your petitioners, in justice to them and the electors of Great Britain, &c. &c. &c.” The petition is given at length in the *Votes*. After the petition had been read, Thomas Wood, Esq; one of the knights of the shire for the county of Middlesex, moved, “ that leave be given to bring in a bill to enable members of the House of Commons to be eligible to serve in Parliament for any other county, city, borough, town, or place.”

Mr.

Mr. *Wilkes* said,

Mr. Speaker,

The House is at present so thin, that I shall now content myself with little more than seconding the motion. I reserve to a future day the full discussion of the necessity of this measure, to which the late shameful transactions in this county, the wanton and arbitrary abuse of power in the minister, have given birth. I understand that the bringing in the bill will not be opposed. The proper season of debate will be the first, or second, reading of the bill itself; but I trust that it will be generally approved. I hope gentlemen will freely give their sentiments on this great constitutional question, on the preservation of our most valuable franchise, and find a mode effectually to prevent similar flagrant abuses of the power of the crown. A permanent law should be provided, in my opinion, for the stable security of our rights and privileges, and a certain equal rule be established for vacating the seats of members chosen to represent the people in Parliament. We cannot be too much on our guard against such an arbitrary interference of ministers. It introduces a control and spirit of party subversive of the freedom of election. It creates a power greatly liable to abuse, and unknown to the constitution.

There is, Sir, another part of the Petition which claims the most serious attention of the House in the present critical moment. I mean an enquiry into the true cause of those misfortunes which have reduced this once powerful and flourishing empire to a state which

words

words cannot describe, and of which history affords no example. This calamitous situation we all feel, and it calls for a speedy and thorough enquiry. To give the greater weight to the enquiry, as soon as the present motion is disposed of, I shall move for the call of the House soon after the holidays.

The motion of Mr. Wood passed without opposition; and Mr. Wood, Mr. Wilkes, Mr. Thomas Townshend, and Mr. Byng, were ordered to prepare and bring in the bill.

Mr. *Wilkes* then moved,

“ That the further consideration of the said petition
“ be adjourned till Thursday the 3d day of February
“ next.

“ That this House be called over upon Tuesday the
“ first day of February next.

“ That such members, as shall not then attend, be
“ sent for in custody of the serjeant at arms attending
“ this House.

“ That Mr. Speaker do write circular letters to the
“ Sheriffs and stewards of the several counties of Great
“ Britain, requiring the attendance of the members of
“ this House upon Tuesday the first day of February
“ next.”

Page 86 of the VOTES.

“ The House was moved, that the resolution of this
“ House, of the 26th day of November last, *That it*
“ *is a high infringement of the liberties and privileges of*
“ *the Commons of Great Britain, for any Lord of Parlia-*
“ *ment, or any Lord Lieutenant of any county, to concern*
“ *themselves*

“ *themselves in the elections of members to serve for the Commons in Parliament,*” might be read.

“ And the same being read accordingly ;

“ The honourable Temple Luttrell moved,

“ That it is highly criminal in any minister or ministers, or other servants under the Crown of Great Britain, directly or indirectly, to use the powers of office in the election of representatives to serve in Parliament; and an attempt at such influence will at all times be resented by this House, as aimed at it’s own honour, dignity, and independence, as an infringement of the dearest rights of every subject throughout the empire, and tending to sap the basis of this free and happy constitution.”

Mr. *Wilkes* said,

Mr. Speaker,

I rise to second the motion of my honourable friend, because I think it is grounded in true constitutional principles, and expressed with his usual clearness and energy. It is not the result of a fine-spun theory, or curious speculation, on the nice balance of the different powers of the constitution, but grows out of facts, strong facts of a very recent date. I think it, Sir, my particular duty to second this motion, for I am in possession of proof that the present election for Hampshire has produced several daring violations of the standing order of this House respecting the free elections of the Commons. Very unconstitutional attacks were made in the late reign on the freedom of election in that county, *although not then directly from the Crown*. At the present period the power of the crown is directly employed to control

control the freedom of election in Hampshire, and the rights of the Commons are invaded by the Lord Lieutenant of the county, the Duke of *Chandos*. I will, Sir, with your permission, read to the House a letter from his grace, signed *Chandos*, franked *Chandos*, sealed with the Ducal arms of *Chandos*, and dated from *Chandos-house*. It is addressed to a gentleman of fortune in Hampshire.

“ S I R, *Chandos-House, Nov. 23, 1779.*

Sir Richard Worsley having offered himself as a candidate for the county of Southampton, in the room of the late Sir Simeon Stuart, I take the liberty to request *the favour of your support for him*; and you will greatly add to the obligation, if yourself and friends can attend the county meeting whenever it is fixed by the sheriff, as a numerous appearance on that occasion will be the most likely means of preserving the peace of the county.

I am, Sir,

Your faithful, and

obedient servant,

CHANDOS.”

I beg the favour of you, Mr. Speaker, to direct the mode in which I may regularly bring before the House this complaint against the Duke of *Chandos*, a Lord of Parliament, and Lord Lieutenant of Hampshire, whom I accuse of *concerning himself in the election of a member to serve for the Commons in Parliament*, and consequently of *a high infringement of the liberties and privileges of the Commons of Great Britain*.

The motion of the honourable Temple Luttrell passed without a division.

The Speaker then observed, that the regular mode of proceeding was to refer the matter of the complaint

against the Duke of *Chandos* to the committee of privileges, to examine, and report, with their opinion thereupon, to the House.

“ Complaint being made to the House [by Mr. *Wilkes*], that the Duke of *Chandos*, a peer of Parliament, and Lord Lieutenant of the county of Southampton, had signed a letter with his own hand, respecting the ensuing election for the said county, thereby concerning himself in the said election, in breach of the privilege of this House, and in infringement of the liberties and privileges of the Commons of Great Britain ;

“ Resolved, *Nemine Contradicente*,

“ That it be referred to the consideration of the committee of privileges, to examine the matter of the said complaint, and to report the same, with their opinion thereupon, to the House.”

VOTES of December 17, 1779.

“ Complaint being made to the House [by Mr. *Wilkes*], that the Duke of *Chandos*, a peer of Parliament, and Lord Lieutenant of the county of Southampton, had signed several letters with his own hand, respecting the ensuing election for the said county ; which letters were directed to the reverend Mr. Taylor,

“ lor,

“ lor, rector of Crawley, Hants, dated December 6,
 “ 1779; to the honourable and reverend Mr. St. An-
 “ drew St. John, Somerdy, Fordingbridge, Hants,
 “ dated December 6, 1779; to the reverend Mr. Toll,
 “ vicar of Kingsclere, Hants, dated December 6, 1779;
 “ to John Poor Esquire, Morton-Andover, Hants,
 “ dated November 23, 1779; to Wadham Wyndham,
 “ Esquire, Hinton, Christ-Church, Hants, dated No-
 “ vember 23, 1779; and to Mr. William Woodward,
 “ Winchester, dated November 23, 1779; thereby
 “ concerning himself in the said election, in breach of
 “ the privilege of this House, and in infringement of
 “ the liberties and privileges of the Commons of Great
 “ Britain;

“ Ordered,

“ That it be referred to the consideration of the
 “ committee of privileges, to examine the matter of
 “ the said complaint, and to report the same, with their
 “ opinion thereupon, to the House.

“ Ordered,

“ That it be an instruction to the said committee,
 “ that they do sit upon Wednesday the 26th day of
 “ January next, at twelve of the clock, and proceed
 “ upon the several matters referred to their considera-
 “ tion.”

 VOTES of January 28, 1780.

Ordered,

That the report from the committee of privileges, touching the several complaints made to the House upon the 10th and 17th days of December last (that the Duke of *Chandos*, a peer of Parliament, and Lord Lieutenant of the county of Southampton, had signed several letters with his own hand, respecting the then ensuing election for the said county, thereby concerning himself in the said election, in breach of the privilege of this House, and in infringement of the liberties and privileges of the Commons of Great Britain) be received upon Wednesday morning next.

From the Journals of Feb. 2, 1780, vol. XXXVII, page 557.

Mr. *Bacon*, according to order, reported from the committee of privileges, the matter, as it appeared to them, touching the several complaints made to the House, upon the tenth and seventeenth days of December last (that the Duke of *Chandos*, a peer of Parliament, and Lord Lieutenant of the county of *Southampton*, had signed several letters with his own hand respecting the then ensuing election for the said county, thereby concerning himself in the said election, in breach of the privilege of this House, and in infringement of the liberties and privileges of the Commons of

Great Britain) together with the resolutions of the committee thereupon; and he read the report in his place; and afterwards delivered it in at the clerk's table: where the same was read, and is as followeth; *viz.*

To prove what is alledged in the said complaints, the seven letters mentioned therein, were delivered in to your committee; and five of them being shewn to the persons to whom they were addressed (the other two not attending the committee) four of the said persons said they had received them by the post, and the other person said, he had received a letter to that purpose; but could not say that was it, as it had been out of his custody, but he believed it was.

The said five letters were traced by your committee from the hands of the persons to whom they were addressed, into the hands of the member who delivered them into your committee. Then

Mr. *William Lawless*, being called before your committee, and the several letters mentioned in the complaints being shewn him, said, that he wrote them all himself, and saw the Duke of *Cbandos* sign them; and that he had written 3 or 400 such letters, most of which were signed in his presence.

Mr. *Coulston*, inspector of the bye-days at the General Post Office, being examined, said, he had never seen the Duke write. Being shewn the superscriptions of the letters, said, he believed from the number he had seen, they were the Duke's hand-writing; that he had passed them as franked; and that when he saw any which he suspected, he charged them.

Then five of the said letters were read, and appeared to relate to the said election. And the resolution of the House, upon the 25th day of November last,

“ That

“ That it is a high infringement of the liberties and
 “ privileges of the Commons of *Great Britain*, for any
 “ Lord of Parliament, or any Lord Lieutenant of any
 “ county, to concern themselves in the elections of
 “ members to serve for the Commons in Parliament,”
 was also read.

Upon the whole, your committee came to the following resolutions :

Resolved,

That it appears to this committee, that *James Bridges*, Duke of *Chandos*, a peer of Parliament, and Lord Lieutenant of the county of *Southampton*, has concerned himself in the late election of a knight of the shire for the said county.

Resolved;

That it is the opinion of this committee, that *James Bridges*, Duke of *Chandos*, a peer of Parliament, and Lord Lieutenant of the county of *Southampton*, has been guilty of a breach of the privilege of this House, and an infringement of the liberties and privileges of the Commons of *Great Britain*.

And a motion being made, and the question being proposed, that the said report be taken into further consideration upon this day four months.

The House was moved, that the resolution of this House, of the 26th day of November last, “ That it is
 “ a high infringement of the liberties and privileges of
 “ the Commons of *Great Britain*, for any Lord of Par-
 “ liament, or any Lord Lieutenant of any county, to
 “ concern themselves in the elections of members to

“ serve for the Commons in Parliament,” might be read.

And the same was read accordingly.

The House was also moved, that the entry in the Journal of the House, of the 18th day of *November* 1702, of the proceedings of the House, upon taking into consideration the complaint of *Sir John Packington*, against the Lord Bishop of *Worcester* and Mr. *Lloyd* his son, relating to the rights and privileges of the House of Commons, might be read.

And the same was read accordingly.

Then the question being put, that the said report be taken into further consideration upon this day four months;

The House divided.

The Yeas went forth.

Tellers for the Yeas	{ Mr. <i>Penton</i> , Mr. <i>Lovel Stanhope</i> . }	87
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Tellers for the Noes	{ Mr. <i>Alderman Sawbridge</i> , Sir <i>Joseph Mawbey</i> . }	30
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So it was resolved in the affirmative.

VOTES of November 27, 1780.

A motion was made by Daniel Parker Coke, Esq; member for Nottingham, seconded by Lord Lewish-

ham, member for the county of Stafford, and after various amendments put by the Speaker in the following words, " That the *thanks* of this House be given to
 " Sir *Henry Clinton*, knight of the most honourable order of the Bath, and commander in chief of his Majesty's forces in *North America*; and to Vice-Admiral
 " *Arbuthnot*, commander in chief of his Majesty's fleet
 " in *North America*; and to the right honourable Lieutenant General *Charles Earl Cornwallis*; for the eminent and very important services performed by them
 " to his Majesty and this country, particularly by the
 " reduction of *Charles-Town* by the army and navy under the command of Sir *Henry Clinton* and Vice-Admiral *Arbuthnot*, and by the late most glorious victory obtained by Lord *Cornwallis* at *Camden*."

Very early in the debate Mr. *Wilkes* said,

Mr. Speaker,

I rise to express my hope, that the honourable gentleman, who made this motion, will consent to its being withdrawn, because I think it is impossible that the united efforts of the noble * Lord in the blue ribband, and the several gentlemen, who have attempted it, should succeed to render it palatable to both sides of the House, and he has declared, that *he had rather it should be withdrawn, than meet a single negative*. I think it, Sir, my duty to oppose this motion, as originally intended, of which the notice was given, respecting *only Lord Cornwallis* as well as all the subsequent amendments, because in my idea every part of it conveys an appro-

* Lord North, Chancellor of the Exchequer, and Member for Banbury.

bation of the American war; a war unfounded in principle, and fatal in it's consequences to this country. I condemned it at the beginning, and have regularly opposed it's progress in every stage, both in and out of parliament. *The eminent and very important services to his Majesty and this country*, mentioned in the motion, I entirely disapprove, and consequently shall withhold the poor pittance of my *thanks* and gratitude, where I do not think them merited, in a war of glaring injustice and wretched policy. I do not mean, Sir, to derogate from the high heroic courage, and superior military virtues, of Lord *Cornwallis*. I admire the splendor and brilliancy of those qualities, which dazzle in my countryman as they did in Julius Cæsar; and I equally lament that they are called forth to action in the same bad and mischievous cause, the attempt to overturn the liberties of his country. The Roman too possessed, as the honourable gentleman says of Lord *Cornwallis*, *nice and delicate sentiments of Honour and valour*. He was certainly an accomplished gentleman, perhaps the most accomplished of any in the history of mankind; but he carried on a wicked war against the constitution of the free country in which he was born, and therefore lay under the strongest obligation to support. In the same light I consider the war now carrying on against our brethren in North America; and if an arbitrary, but incapable, administration had succeeded in the plan of dragooning the colonists into *unconditional submission*, I believe that the liberties of England would not long have survived those of America; and the vital principle of freedom, which now prevades and animates this island, except perhaps a few clans very far North, must have been extinguished. Every friend of the Constitution saw early

in the support of the American cause a vindication of the rights of Englishmen against an old exploded usurpation of the Stuarts, revived under the third prince of the House of Brunswick.

Sir, I hope to be forgiven, if I repeat at the beginning of this new parliament the sentiments, which I more than once submitted to the last, and even in the first session of 1774. I am still convinced that the war with America originated in tyranny and usurpation, in the unjust attempt of taking money from the subject in the colonies without his concurrence, in levying taxes on the people there against their consent. This has ever been a favourite maxim of despotism. In opposition to this illegal claim the immortal Hampden shed his blood. Such an attempt against the fundamental rights of the people fully warranted our virtuous and free ancestors to begin the civil war, which brought the tyrant Charles to the scaffold. The American cause therefore, I mean the primary cause of this destructive civil war, is the cause of every Englishman, who values our excellent constitution; a constitution for several years in a decline, but which has of late received many stabs in its vital parts. This right of the people to withhold, or grant, their own money, this power of the purse, which includes that of the sword, alone secures the existence of Parliament, our annual meeting within these walls. This marks the difference between the limited monarch of our island, in a mixed government, and the eastern despot, or the arbitrary sovereigns of France and Spain. We then in a particular manner, with a singular propriety, ought to stand forth the guardians of this right to all the subjects of this State.

The sentiments, Sir, on the rights of our brethren in the Colonies, which I have now the honour of delivering here, I imbibed from Lord *Cornwallis*, who enforced them with great energy a few years ago in another House of Parliament. His Lordship, in a solemn argument in the House of Peers, in conjunction with four * other respectable characters, strenuously denied any right we had to tax the Americans, while they continued unrepresented in the British Senate. It was in the debate on the motion for the commitment of the *Declaratory Act*. His Lordship's opinion likewise of the *wisdom* of the measure, after condemning the theory, may be gathered from his words in the examination before this House in May 1779, *I never saw a stronger country, or one better calculated for the defensive*. Mr. Pitt in this House, with a boldness of imagery and glow of colouring which his eloquence always gave, did justice to the distinguished patriotism of *the band of the five illustrious heroes*, as he named the small number of peers, who, on occasion of the opposition to the *Declaratory Act*, approved themselves the friends of freedom. He did not foresee the slaughter of our fellow-subjects in the same cause by one of that *band of illustrious heroes at the glorious victory at Camden*. If there is any change of sentiment on this important question in his Lordship's mind, we have no parliamentary evidence on which it can be founded. It can only be surmised from his Lordship's eagerly soliciting a command against the Americans at the first breaking out of a war, which originated from the unworthy purposes of passion and party, and since, endeavouring by fire and

* The Earls Poulet, *Cornwallis*, and Shelburne, Viscount Torrington, and Lord Camden.

sword, to enforce a taxation of the Colonies, although as a member of the legislative body, he formerly did not hesitate to pronounce it equally impolitic and iniquitous. If arguments of great and irresistible weight have been urged for so total and wonderful a change, they are carefully concealed. The motives of conviction, or rather of this miraculous conversion, are easier guessed than with delicacy explained. As a Peer, his Lordship supports American freedom, and votes against an ignominious badge of bondage on the Colonists; as an officer, the same Earl solicits a command in America, to enforce that injustice of which he complains, and is active to rivet the chains of slavery on the free-born inhabitants of the new world, and the descendants of Englishmen. In such a cause I will not give *thanks* to Genius and Courage united, but ill-directed, productive of no good, but infinite mischief. I will never fail, Sir, to express my concern and anguish, when I see great military talents thus triumph over the superior civil virtues of the citizen, when I observe mere lawless force and violence receive the aid of valour and distinguished ability to overturn a fabric of freedom and justice, cemented by the best blood of our ancestors. Such military glory is purchased too dear. It is a kind of wretched *anti-civic* crown, which must disgrace the sanguinary brow of every unfeeling, unprincipled conqueror. A good man will indignant turn his eyes from *laurels* and *palms* of victory stained with the blood of deserving fellow-subjects who have been sacrificed to the fordid views, to the lust of power, to the rage of a tyrannical administration. The *palm* of consistency at least, the honourable gentleman who made the motion will, at all events, scarcely

scarcely think of offering to Lord *Cornwallis*. *That* will be worn, and I hope long with the applause of his grateful country, by another noble Earl *, who rose superior to the false glory to be acquired from his profession, when called upon in an unjustifiable cause, who honourably preferred the line of duty to his country and its constitution, to the fame and renown of military achievements, which his natural ardour panted after. Lord *Cornwallis*, Sir *Henry Clinton*, and Admiral *Arbutnot*, I will not consent to *thank*, for I consider them as having drawn their swords against their innocent American fellow-subjects, and without provocation bathed them in their blood.

The noble Lord † who spoke last says, that our *thanks* would come with great propriety to Lord *Cornwallis*, and the other two officers, because the *thanks* of this House were voted on the taking of Quebec, and the late success of the gallant Rodney. Does not the noble Lord observe a striking difference in the three cases? The surrender of Quebec was, perhaps, the most important and brilliant triumph over France of all the splendid victories of the last glorious war. It was the conquest of the capital of the perfidious Gaul in the new world. Sir George Rodney's late defeat and capture of the Spanish men of war at that critical moment, merited the warmest *thanks*, and most esteemed rewards of his country. In both cases we were destroying the overgrown power of the house of Bourbon, the inveterate, avowed enemy of this nation. I think with Hannibal, *hostem qui feriet mihi erit Carthaginienſis*. I hold *that* man to be the best English-

* The Earl of Effingham.

† Lord Beauchamp, Member for Oxford, Cofferer of his Majesty's Household.

man, whose efforts shall be the boldest, the most spirited and successful, against France and Spain, especially against their naval power, which by the criminal negligence of our Ministers has risen to such an alarming greatness. I will from my heart *thank that* man. I will vote to decree *him* every honour of the senate and people. On the house of Bourbon should we call down all the thunder of the war. We ought, Sir, to blush at the cruel ravaging and desolation of the country, and the merciless slaughter of the inhabitants of our Colonies, in a foolish, angry quarrel, carefully fomented at last to a bloody war, raised on a *baseless fabrick*, which, perhaps, in the end, may scarcely *leave a wreck behind*. Our Generals and Admirals have already totally ruined some of the most flourishing parts of this convulsed empire, and destroyed numberless industrious, brave fellow-subjects, equally intitled with themselves to the protection of the laws, and executive power. Are these, Sir, *the eminent and very important services to his Majesty and this country*, for which the honourable gentleman flattered himself with obtaining for our commanders the *unanimous thanks* of this House, of the representatives of the people of England?

It has been said, Sir, by the honourable gentleman who made this motion, that the Americans are now actually leagued with France and Spain against this country. I do not doubt the existence of a *triple league* between America, Spain, and France; but I know the provocation, and I have good reason to believe the alliance is only defensive and temporary. I do not allude to commercial treaties. France and Spain now appear to the world as auxiliaries to the *United States of North America*. The first alliance with France was
made

made with great reluctance by America on the spur of the present necessity. It was not thought of until in our domestic quarrel we called in foreign forces to cut their throats, until the mercenary German, or rather Cappadocian, Princes sold their subjects, like cattle, to an administration expert in every species of bribery and ruinous contract, until long after our negotiation for Russian troops to be sent to North America had been rejected in terms of contempt and horror. The late union between America and France is so unnatural, that I am satisfied, whenever you offer, with sincerity and cordiality, honourable terms, accompanied with the security America will expect, it will be dissolved. Your conduct hitherto has drawn closer every tie between them. If you improve the late *most glorious victory at Camden*, to bring about this necessary peace with America, then will be the moment to rejoice, to join in *thanksgiving* for the salvation of Great Britain, as well as America.

Sir, I will not *thank* for victories, which only tend to protract a destructive war. I should rather have said for some transitory, delusive gleams of success in this unjust, and providentially unfortunate American contest, this *bellum sine hoste*, as such a state of arms was defined by the ancients. Not a single Frenchman or Spaniard in arms against us fell at this *most glorious victory at Camden*, but *Romanæ miscet acies*. Is it probable, that this *most glorious victory* will lead to an honourable *peace*? If it does not, but is the cause of continuing the war, I shall deem it a public calamity. *Peace, peace with America* only can save this sinking state, and give us permanent prosperity. We are already nearly exhausted, yet continue bleeding at every vein.

vein. *Peace* ought to be had on almost any terms, for from the estimates on our table, the expence of this war continued a few years longer, will bankrupt this nation, the population, commerce, and navigation of which are visibly decreasing. I consider *peace* as of absolute necessity for ourselves, for the internal state and *independence* of our own island, in the present crisis of horror and almost despair. I would subscribe to almost any conditions to obtain it, because I believe the North Americans would then readily quit an unnatural alliance, into which they have been driven by our more unnatural conduct. Necessity brought forward the new idea, formed, signed, and has hitherto observed that strange treaty. America, detached from her present connections, and in a real union of interests and strength with Great Britain, is more than a match for the confederate house of Bourbon. In such a situation the *Family Compact* would not dare to be avowed. The last war gives us the proof in point. We had *then* an able and enterprising Minister, in full possession of the most active genius and vigour of mind, seconded by the whole strength of the British nation and America. What is our present prospect? America is at this moment thrown into the scale of the house of Bourbon. Must it not then weigh us down? It surely, Sir, becomes Ministers to lay aside all passions and prejudices, and endeavour to heal this unhappy breach between two powerful friends, when every concession to America, either as a subject, or an *ally*, may win her to us, restore the balance of power in our favour, and compensate the loss of all our other allies.

The *independence*, Sir, of the Colonies has been frequently mentioned in this debate, but with a positive
 decla-

declaration, that it is a point never to be conceded. Whether it is granted, or not, by a British Parliament, *de jure*, seems to me of little moment and avail. It is merely an amusing, curious theme of speculation among a set of idle, listless, loitering, lounging, ill-informed gentlemen at Westminster, who remark the disorders of the state, to combat which they possess not vigour of mind or virtue. A country, much larger than our European empire, which we still love to call our colonies, does, and will, possess it *de facto*, notwithstanding all the present delusive assurances of Ministers within these walls, notwithstanding the late exploits of a *Cornwallis* and *Clinton*, notwithstanding all the former repeated victories of *Gage* and the *Howes*. It is in this island only that persons are found, who doubt that the present war will end in the acknowledging of American *independence*.

The history of this war warrants me, Sir, in the suspicion that all these boasted successes do not tend to any real emolument to our country, to bring nearer the wished-for moment of a re-union, and sincere reconciliation with our alienated brethren in the Colonies. After the evacuation of Boston, Rhode Island, and Philadelphia, for the acquisition of which *no thanks*, I believe, were given by this House, a small degree of sagacity might lead any man to suspect that the reduction of *Charles-Town*, by the army and navy under the command of *Sir Henry Clinton*, and *Vice Admiral Arbuthnot*, and the late most glorious victory obtained by *Lord Cornwallis* at *Camden*, will, in due time, be followed by the evacuation of *Charles-Town*, and the two Carolinas. A future Gazette will probably announce it, to screen the Generals, in the same terms

as with respect to Philadelphia, and with as much cold indifference as any play or farce at either of our theatres, *by his Majesty's command.*

Sir, I can never separate in my mind the rotten foundation on which the whole system of the American war is built, from some specious parts of it, by which the unthinking are at the first view allured and dazzled. As I reprobate the want of principle in its origin, I the more lament all the spirited exertions of valour, and the wisdom of conduct, which in a good cause I should warmly applaud. Thinking as I do, I see more matter of grief than of triumph, of bewailing than *thanksgiving*, in this civil contest, and the deluge of blood, which has overflowed America. Would to God, Sir, we could leave persecuting, even to death, those of our own blood, who only desired to be received as friends and fellow-subjects, to share our fortunes, to fight our battles, as before, by our side, and to enjoy at home *peace, liberty, and safety!* Public *thanks* from this House on the present occasion will only widen the breach, and demonstrate how far we are behind other nations in the knowledge of true policy. The wisest and most polished nations of antiquity drew a thick, dark veil over the horror of civil commotion and bloodshed. I will admit for a moment, merely for the argument, that all, which has been urged by the Noble Lord in the blue ribband, and the gentlemen on the other side of the House, is well founded, that the American war originated in justice and policy, and that the Colonies have rebelled: still I object to every motion like the present, because I wish to hide the nation's scar, and to forget all deeds of valour, not against the common enemy, but our fellow-

low-

low-subjects, whom I desire to save and conciliate. The Romans, undoubtedly the first people in the universe, granted no triumphs for the victories of their Generals in civil wars. They wished not to record and perpetuate, but to conceal and deliver to oblivion, the memory of Romans falling by the swords of Romans. They thought it the direst effect of the vengeance of the incensed Gods. *That* example of enlightened policy will, I trust, be adopted by the honourable gentleman who made the motion. I am sure, that no man feels more than he does for the present calamities of both countries in this cruel, civil contest. I know the humanity and tenderness of his nature, and thought it rather surprising that he should chuse to bring himself into the unpleasing, awkward situation of *Burrus* in Tacitus, *et mærens Burrus ac laudans*. Such a conflict of different passions is highly distressing. I will endeavour to extricate him by the most earnest supplication, that he would withdraw a motion, from every part of which I find it my duty to dissent, while I deeply lament that the lustre of such splendid victories is obscured and darkened by the want of a good cause, without which no war, in the eye of truth and reason, before God or man, can be justified.

Extract from the London Courant, Morning Chronicle, and other Newspapers.

At a Meeting of the *Westminster Committee of Association*.

King's Arms Tavern, Palace Yard, Nov. 30, 1780.

Resolved,

That the Thanks of this *Committee* be given to *Mr. Wilkes*, and such other friends to public liberty as joined

in

in opposing the Vote of Thanks to General Clinton and Lord Cornwallis, upon Monday last, on the ground that success in the American war would be the ruin of the liberties both of America and England.

C. J. Fox, Chairman.

VOTES of April 5, 1781.

A motion was made, and the question put, That the resolution of this House, of the 17th of February, 1769, “ That *John Wilkes*, Esquire, having been, in “ this Session of Parliament, expelled this House, was “ and is incapable of being elected a Member to serve “ in this present Parliament,” be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom :

Mr. Wilkes said,

Mr. Speaker,

I do not rise to put the patience of the House to the severe trial of hearing from me a long and tedious recapitulation of all the arguments which I have submitted to the candour of gentlemen for several years, in the great cause of the rights of the electors of Middlesex in 1769. I am truly grateful for the indulgence, which I have so often experienced. It would be a very ill return indeed in me to weary the patient ear of the House with the more than thrice-told tale of the

injustice done a private gentleman, the insult offered to a most respectable body of freeholders, and the outrages committed against all the electors in the kingdom. I find no difficulty in freely confessing, that even on a subject in itself so animating, to me so peculiarly interesting, I have not a new idea to present to your consideration. I might even doubt whether there is a single case relative to the whole business, which has not been brought to public view, and scrupulously examined. No fresh matter has arisen from the trial of the various petitions, which many different committees of election have gone through and reported upon to the House in the present Session. Almost every man in the kingdom has been informed and convinced of the goodness of a cause, which deeply interests the dearest rights of the people, and every friend of the constitution has been alarmed at the fatal precedent, which to our disgrace still remains on the Journals of this House. If, however, any objection, which has not been already made and fully answered, can be now started in this much-agitated question, I claim the indulgence always given to the first mover of reserving myself for the reply.

It is true, Sir, that we are now in a new Parliament, with several new members among us; yet, I am inclined to think, there is not a single gentleman in the House, to whom any thing new on this question can be offered. Perhaps there is not any important constitutional point, on which more has been said, written, and published.

The noble Lord * with the blue ribband, has made us all perfect in arithmetic, and accustomed us to the

* Lord North, Chancellor of the Exchequer.

calculation of many millions, which he has raised on a distressed and impoverished people. We are besides so lately come from casting up our profits, or what is called without doors the *wages of corruption*, from the late scandalous *loan*, that I suppose it must now be a clear proposition in the House, that 1143 is more than 296. I might then venture to draw the corollary, that such a majority of legal votes had given a seat in Parliament to the representative of the freeholders of Middlesex, although their rights, with those of the people at large, were sacrificed by a bought majority of Borough Members in a former House of Commons.

It is, Mr. Speaker, a very pleasing consideration to me, and I trust, a good omen, that a question of this magnitude will be decided under your happy auspices. The noble Lord * who moved to call you to the chair, Sir, was warm in his commendation of you, from your perfect knowledge of the constitution, your zeal for the support of it, your regard for the laws of the land and the law of Parliament, and above all your attachment to the rights of the people. No particular mention, indeed, was made of the spirited support which you, Sir, as a private Member of the House of Commons, through a course of many years, gave to the very motion in my hand, but it was perfectly understood, and the noble Secretary himself had always voted with us in *that* question for the people. The present *majority* must certainly have intended your elevation to the chair as the reward of your consistent patriotic conduct in the constitutional cause of the freeholders of Middlesex, a conduct still remembered by them with affection and gratitude. I should, there-

* Lord George Germaine, Secretary of State for the American Department.

fore, believing in the steadiness of the *minority*, hope for *unanimity* on this momentous occasion, and that I shall very soon congratulate you, Mr. Speaker, on the peculiar pleasure you will feel in declaring from the Chair, that this favourite motion of yours has met with the universal concurrence of every gentleman on both sides of the House. With extreme satisfaction I remark, that every day since you have presided among us has afforded a fresh proof of your meriting the noble Lord's encomium, by an upright and impartial line of conduct, in defiance of influence of every kind, by supporting the rights of our constituents, and the most tender regard to every petition of the people. But while I am feebly endeavouring, Sir, to do justice to that merit, which is too conspicuous to want, and too superior to any praise I can give, I am delaying your enjoyment of the heart-felt pleasure you cannot fail of receiving this day, and therefore I shall, in compliance with our forms, only desire the clerk to read the resolution of the 17th of February 1769, and then move, "That the resolution of this House of the
 " 17th of February 1769, *That John Wilkes, Esquire,*
 " *having been in this Session of Parliament expelled this*
 " *House, was and is incapable of being elected a Member*
 " *to serve in this present Parliament,* be expunged from
 " the Journals of this House, as being subversive of
 " the rights of the whole body of electors of this
 " kingdom."

VOTES of May 3, 1782.

The House was moved, that the entry in the Journal of the House, of the 17th day of *February*, 1769, of the resolution, “ that *John Wilkes*, Esquire, having been “ in this Session of Parliament expelled this House, “ was and is incapable of being elected a member to “ serve in this present Parliament,” might be read.

And the same being read accordingly ;

Resolved,

That the said resolution be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom.

And the same was expunged, by the clerk, at the table, accordingly.

Ordered,

That all the declarations, orders, and resolutions, of this House, respecting the election of *John Wilkes*, Esquire, for the county of *Middlesex*, as a void election, the due and legal election of *Henry Lawes Luttrell*, Esquire, into Parliament for the said county, and the incapacity of *John Wilkes*, Esquire, to be elected a member to serve in the said Parliament, be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom.

And the same were expunged, by the clerk at the table, accordingly.

Mr. *Wilkes* said,

Mr. Speaker,

I think myself peculiarly happy at the present moment, that I have the honour of submitting to the House an important national question respecting the rights of election, when the friends and favourites of the people enjoy, with the smiles of our Sovereign, the offices of trust and power in the state, accompanied with that fair influence, which is necessarily created by great ability, perfect integrity, the purest political virtue, and the remembrance of their former upright conduct in the cause of the people. If the people of England, Sir, have at any period explicitly and fully declared an opinion respecting a momentous constitutional question, it has been in regard to the Middlesex election in 1768, and the subsequent most profligate proceedings of an administration, hostile by system to the rights of this country, and every part of the British empire. An instance cannot be found in our history of a more general concurrence of sentiment among the Freeholders of England, and they were joined by almost every borough and corporation in the southern part of the island. I am satisfied therefore that I now shall find the real friends of the people determined and zealous in the support of their just claims and undoubted privileges.

Hitherto, Sir, every attempt for the recovery of this invaluable franchise has been rendered fruitless by the
arts

arts and machinations of power in the hands of wicked men; and I may with truth assert, that the body of the people long addressed, petitioned, and remonstrated with manly firmness and perseverance, but without the least effect, or even impression. The full redress demanded by this injured nation seems reserved to distinguish the present propitious æra of public liberty among the early and blooming honours of an administration, which possesses the confidence, and daily conciliates the affections, of a brave and sensible people. Their voice was never heard in a more clear and distinct manner than on this point of the first magnitude for all the electors of the kingdom, and I trust will now be heard favourably. The general resentment and indignation ran so high against the House of Commons, which committed the outrage, that their immediate dissolution became the prayer of numberless petitions to the throne. No man scrupled to declare them unworthy to exist in their political capacity. The public pronounced them *guilty* of sacrificing and betraying the rights, which they were called upon by every tie of justice and duty to defend. The noble spirit of the freeholders of Middlesex, persevering in the best of causes, undaunted by all the menaces of power, was the subject of the most general applause and admiration. The voice of the people was then in the harsh and sharp tone of passion and anger against ministers. It will, I am persuaded, soon be in the soft and pleasing accents of joy and thankfulness to our deliverers.

It is scarcely possible, Sir, to state a question in which the people of this free country are more materially interested than in the right of election, for it is the share,

which they have reserved to themselves in the legislature. When it was wrested from them by violence, the constitution was torn up by the roots. I have now the happiness of seeing the Treasury Bench filled with the friends of the Constitution, the guardians and lovers of liberty, who have been unwearied and uniform in the defence of all our rights, and in particular of this invaluable franchise. I hail the present auspicious moment, and with impatience expect the completion of what I have long and fervently desired for my friends and country, for the present age, and a free posterity. The former conduct of those now in power affords me the most sanguine hopes of this day seeing justice done to a people, to whom they have so frequently appealed, who now look up to them with ardent expectation, with pleasure and esteem. Consistency, Sir, has drawn the right line of their political conduct to this period. It will now point out the same path of public virtue and honour. May I be indulged in a hint, which I mean to extend much beyond the business of the day, when I say that consistency will be attended with that stability and perfect security which are the objects of every good man's wishes for them? They have given us a fair earnest of their reverence for the Constitution by their support of two bills, essentially necessary to restore the purity and independency of Parliament; I mean, the *Bill for preventing contractors sitting in the House of Commons*, and the *Bill for disabling officers of the Revenue from voting at elections*——

Mr. *Wilkes* was here interrupted by a message by Sir *Francis Molyneux*, gentleman usher of the *Black Rod*, desiring the immediate attendance of the House of Commons in the House of Lords.

The Speaker then went up to the House of Peers :
and after his return and report of what had passed ;

Mr. Wilkes said,

Mr. Speaker,

I return my thanks to the *Black Rod* for so luckily interposing in favour of this House, when I might possibly have again tired them with the important, however stale, case of the *Middlesex election*, which their patient ear has for several years with much good-nature suffered. I will now make some return to their indulgence, in profiting by the circumstance of this happy interruption, and not saying a single word about *Walpole* or *Wollaston*, *Coke* or *Blackstone*. I will not detain the House longer than by observing the parliamentary form of desiring the clerk to read the resolution of the 17th of February, 1769, which I shall then move *to be expunged from the Journals of this House, as being subversive of the rights of the whole body of electors of this kingdom*, and afterwards propose the necessary Orders.

VOTES of December 8, 1783.

“ A motion was made by the right honourable
 “ *Charles James Fox*, member for Westminster, Secre-
 “ tary of State for foreign affairs, and seconded by the
 “ right honourable *Lord North*, member for Banbury,
 “ Secretary

“ Secretary of State for the home department, that the
 “ order of the day for the third reading of the *Bill*
 “ (now engrossed) *for vesting the affairs of the East-India Company in the hands of certain Commissioners for*
 “ *the benefit of the proprietors and the public,* be now
 “ read.”

Mr. Wilkes said,

Mr. Speaker,

I rise with the deepest anxiety to endeavour to prevent the further progress of this *Bill*, because in my opinion it destroys the ancient, established forms of all parliamentary proceedings in this House, violates the national faith, subverts every principle of justice and equity, and gives a mortal stab to this free constitution. Sir, the forms of proceeding in this House were wisely established by our ancestors, after the most mature deliberation, as a guard against surprize by any ministers, and to give our constituents timely information of what was doing in Parliament, that the collected wisdom of the nation might be appealed to and known on every occasion of moment. This accounts for the slowness of our proceedings compared with the mode of passing bills in the other House of Parliament. Their Lordships have no constituents, whom it is a duty to consult. In the progress of this *Bill*, the invariable rules and orders of the House have been set aside without the least shadow of necessity, almost without the slightest pretence; and the *Bill* continues to be hurried on with indecent haste. When the right honourable Secretary moved for leave to bring in a *Bill* for the better

ter regulation of the *East-India Company*, he stated the desperate condition of the *Company's* finances as the sole ground on which he stood. He represented it as a case of absolute and immediate necessity for the interposition of the Legislature. He expressly disclaimed every other motive, although he invidiously went at large into every supposed delinquency of Mr. *Hastings* *, and almost every other servant of the *Company*, for many years. He did not indeed in terms assert that the *Company* were in a state of *bankruptcy*; but he declared that they owed five millions more than they were able to pay, and went into a variety of accounts

* *Warren Hastings*, Esq. the most consummate politician of this age, who made the various, complicated, and discordant interests of the many Princes and States of *India* tend to one common centre, the advantage and prosperity of his country. While the British empire was mouldering away in America and Europe, while our Generals and Armies were laying down their arms, and becoming prisoners of war, he not only preserved our Asiatic territories, but conquered every *French* and *Dutch* settlement upon the continent of *Hindostan*, except *Cuddalore*, which was besieged, with *Buffy's* army, at the time of the last peace. Lord North, in the House of Commons, frequently dwelt on Mr. *Hastings's* *vigour and abilities*; but, to gratify the rancour of some members of the *Coalition*, his Lordship never-*once* mentioned that spotless integrity and tender humanity, which are striking and beautiful features in that gentleman's character. On his return to Europe, after having been more than thirty-three years in considerable offices, and more than twelve *Governor-General of Bengal*, he received the *unanimous* thanks of his constituents, the *East India Company*, for his important, faithful, and successful services; and indeed to him the *Company* owed its existence. By the nation at large he was honoured with general and high applause; but the same envious faction which recalled the brave *Rodney* in the moment of victory, dared not only to calumniate, but to treat the fortunate *Hastings*, as a delinquent of the first class, and to pursue him with unexampled violence. He must certainly have been wearied with wading through the vast, heterogeneous mass of crude and indigested materials, which, under the name of charges, were exhibited against him in the House of Commons, and the many folio pages of the trifling, inconclusive, and inconsistent evidence taken before the Committee. The calm and serene philosophy of his mind however, an happy temper, and conscious virtue, kept him from being ruffled a single moment. He pitied the extravagance and madness of party and faction, and looked forwards to the day of justice, if not of gratitude, from us, and of full approbation from an impartial posterity.

without

without any attempt at the smallest proof of what he advanced, or calling for a single paper, in so great a variety of matter. He pledged himself for the most scrupulous accuracy, yet in the very moment forgot to give the *Company* credit for an immense floating property, for all their stores, goods and merchandizes in the warehouses at Calcutta, Bencoolen, Bombay, Fort St. George, and other factories in the East. An omission of this importance could not proceed from ignorance, where infinite pains were taken to examine into the most minute particulars, nor from carelessness, where no trace of a heedless inattention, or forgetfulness, was ever observed. It argued a total want of *good faith*, a deliberate resolution of taking the House by surprize; and it succeeded with a weary, puzzled, and embarrassed audience. Leave was given to bring in the *Bill*.

Sir, I not only complain of an omission of this magnitude on the credit side of this pretended account of the *East-India Company's* affairs, but likewise of the suppression of some interesting facts, which ought to have been brought forward, and placed in a strong and full light. It appears by the printed accounts of the "general state of the affairs of the East-India Company," published by order of the general court, *that the arrivals have been put so much out of their ordinary course, that only thirteen ships arrived in the season 1782, and eleven in the season 1783, while forty-five are left to arrive in 1784, besides ten more, which are now abroad, and will be kept in India, so as to arrive in 1785, at the same time with most of those now under dispatch from hence.* Was it, Sir, consistent with candour, or even justice, to suppress facts of this moment, in a long and laboured

boured investigation of every circumstance respecting the first commercial company in the world? The reason however is glaring. The property, which these ships will bring home, cannot fail of placing the finances of the Company on as solid a foundation as the most interested proprietor could wish, or the most avaricious and grasping minister desire; but alas! it is a distant day, and the moment is pressing, big with the fate of ministers. Needy dependents grow importunate and clamorous, as being used not to *give* but to *take* credit. Present plunder is preferred to future golden dreams of all the treasures of the East, and with consummate prudence, amid all the chances and changes of this political ministerial life. It was artful to keep back, and out of sight, the resources of the *Company*, and enlarge only on their present difficulties, which were brought on by the late war, and the restraints laid by Parliament itself on their power of extricating themselves by extending their credit in the circulation of bonds to a moderate amount. The unfairness of the whole proceeding must strike every man. A noble Lord * near me, with an honest zeal, has called the *Bill* an *infamous Bill*. No epithet can in my opinion reach the enormity of its guilt; and therefore I shall content myself with calling it a *swindling Bill*; *drawn* and *presented* by the right honourable Secretary to obtain money on *false pretences*.

A lawyer † on the floor, who spoke last, has told us, that the *Company* are actually *bankrupts*, because they have not paid their debts, nor can they at present. Is then every man, who does not, or cannot, at a parti-

* Lord Mahon, Member for Chipping Wycombe.

† John Nichols, Esq; Member for Bletchingley.

ular time, pay every legal demand, a *bankrupt*? Has the worthy member no more tenderness and delicacy for the characters of so many illustrious persons all around him? I respect the honour of the *majority* here too highly to suffer them to be called *bankrupts*. Such an assertion shall not go forth to the world uncontradicted. Is the learned gentleman yet to be taught the difference between *bankruptcy* and *insolvency*? The right honourable Secretary was more cautious. He did not pronounce the *Company bankrupt*. He only endeavoured to make them out *insolvent* at present to the amount of five millions, with little chance of a future day of payment without his generous assistance.

The same lawyer assures us, that the present *Bill* is neither a *Bill of confiscation*, nor *disfranchisement*. He will excuse me for stating to the House my reasons for believing it *both*. What is the idea of *confiscation*? Is it not the seizing by violence the property of one individual, and transferring it to another? It is impossible for this to take effect in a fuller and clearer manner than is directed by the *East India Bill*. I defy any lawyer to shew me an *act of confiscation* more forcibly and explicitly drawn. The words of the fourth clause of this *Bill* are, *The directors of the said united company, and all other officers and ministers, and servants thereof, are hereby enjoined, immediately upon the requisition of the said commissioners, signified under their hands and seals, to deliver up to them [the new commissioners], or to such person or persons as they shall for that purpose appoint, all such lands, tenements, houses, warehouses, buildings, books, records, documents, charters, acts, instruments, papers, ships, vessels, goods, wares, and merchandizes, money, securities for money, and all other effects whatsoever.*

soever. Imagination is at a loss even to guess at the most insignificant trifle, which has here escaped the harpy claws of the hungry and ravenous *Coalition*. One idea, indeed, generally precedes the word *confiscation*, and that is a presumption of *guilt*. In the present instance no crime whatever has been alledged. The argument of the right honourable Secretary for the *Bill* was only the actual poverty and desperate condition of the *Company*; but the real motive we all know is the certainty of the present spoils, with future accruing wealth, and immense patronage, to enrich an *Indian heptarchy* of his creation, and, through his tame viceroys, the *Trinculo* viceroy of Asia.

In the *Bill*, Sir, as *drawn* and *presented* to the House by the right honourable Secretary, there is no clause inserted of any *trust* created for the benefit of the proprietors. In the Committee, indeed, the words have been added, *in trust for, and for the benefit of the proprietors*; but, in case of the grossest abuse of trust, to whom is the appeal? To the proprietors? No, Sir, they are to have no further concern with their own property. Is it not then *confiscated*? The appeal is to a *majority* in either House of Parliament, which the most drivelling Minister could not fail to secure with a patronage of above two millions sterling given him by this very *Bill*.

Sir, the *Bill* is likewise said not to be a *Bill of disfranchisement*, because it does not take from the proprietors their right to an exclusive trade, or monopoly. Was this monopoly the only *franchise* of the proprietors? There is property in this kingdom to which a *franchise* is annexed. The *franchise* may be taken away, yet the property remain. To a freehold, for instance, is annexed

nexed a right of voting for members of Parliament. We have seen that *franchise* taken away, and yet the freehold remained untouched; but the spirited freeholder of Middlesex, and the nation at large, loudly and justly complained of the *disfranchisement*. The case is parallel as to *East-India stock*. Persons possessed of *stock* to a certain amount are entitled to vote for the appointment of their own servants both at home and abroad, to manage their own property, in which they are clear-sighted enough, and to direct and superintend all their commercial concerns, with a general power of controul. This surely is a most valuable *franchise*. It was understood to be purchased with the *stock*. The purchase-money was more considerable from this intrinsic value, which it was supposed to possess. This *franchise* is to be taken away by the *Bill*, and yet one gentleman among us can assert that the *East-India proprietors* will not be *disfranchised*. God forbid the people of England should have many such defenders of their *franchises* and liberties in a House of Commons!

If the House, Sir, will attend to what has passed since the introduction of this *Bill* among us, they will see that if we mean to preserve our ancient parliamentary forms of proceeding, we cannot suffer the farther progress of such a *Bill*. When leave was moved for its introduction, the right honourable Secretary, as the sole motive of his conduct, gave an alarming account of the desperate state of the finances of the *Company*. He painted in the darkest colours the state of their debts and incumbrances, which he made amount to several millions. A worthy member of this House*, a Director of the East India Company, flatly contra-

* Samuel Smith, Esq. Member for Ilchester.

dicted the assertions of the Secretary, and pledged himself to prove the unfairness of all his calculations. The *Company* have since given to the public a very different state of their affairs. It comes authenticated by every proper authority, *Nathaniel Smith, Esq. Chairman of the East-India Company, John Annis, Auditor of Indian Accompts, and Samuel Nicholl, Accountant.* These accompts we may examine at our leisure, and scrutinize with the most minute exactness. We have a clear “Statement of the debts, credits, and effects of the “East-India Company,” carried up to December 1, 1783. But where is the account of the right honourable Secretary to be found? *That* does not admit of such a scrutiny: *that* is authenticated by no signature, nor proved by any paper on our table. No two persons in this House agree to-day in the particulars of the long, laboured harangue of yesterday, but there is a precision in what is thrown on paper. It is, however, liable to detection, and even seems to invite an acute examination, which may ill suit the purpose of a Minister. Here then, Sir, the honour and justice of this House are deeply concerned. One member brings forward a bold assertion of various facts, on the truth of which he asks leave to bring in a very harsh and severe *Bill*, to use no more violent expressions. Another member, more immediately concerned, having the proofs daily under his eye, denies the truth of every proposition advanced by the member who moved for the *Bill*, and dares him to the proof at your bar. The case does not admit any fraud, fallacy, or deception. The challenge is perfectly fair, for no demonstration can be superior to that drawn from figures; yet the challenge is declined. No proof of any kind

is hitherto offered in support of the *Bill*. The case then is at issue, and every principle of justice forbids us to proceed, till the facts are ascertained, till we know whether a real necessity exists, or whether it is only made the pretence to colour a deep-laid plan of ambition, wealth, and power. The forms of Parliament are first to be sacrificed, and then its independency.

This *Bill*, Sir, appears to me to violate the national faith in a high degree, for it annihilates the *Charter of the East-India Company*, a charter purchased of the public, and secured by the sanction of Parliament. The violation of the *American Charters*, which has been followed by the loss of our empire in the West, would have deterred any Ministers less rash, less impetuous, from this dangerous experiment of tampering with *Charters*. Not a Corporation in the kingdom, not a *Charter*, not the *Great Charter* of our Liberties, not a Deed, not a Contract, not a Document, not a security, no species of property, can be safe against bold, violent, unprincipled men acting thus in the plenitude and wantonness of power. This *Charter* did not owe its birth to the foolish passions and prepossessions, or the mad prodigality, of any of the Plantagenets, Tudors, or Stuarts, in favour of a crouching, servile courtier, or knavish, interested dependent. It was a fair purchase made of the public, an equal compact for reciprocal advantages between the nation at large and the body of the proprietors. The purchase money has been actually received by the public, and consequently the proprietors have a just claim to what was stipulated in their favour. I agree, Sir, that there is no *Charter* which may not be forfeited

feited by delinquency, but the *Charters* of the *City of London*, for they are excepted by an express *Act* of our glorious Deliverer, from the necessity of preserving the peace of the capital; but no delinquency of any kind is now made a charge against the *East-India* Directors, proprietors, or any of their servants. The distress of their circumstances alone was alledged as warranting such a *Bill*. I am very ready to admit, that some particular servants of the *Company* have been guilty of enormous crimes in the East. Is that a reason for punishing the Directors and Proprietors in Leadenhall-street? Has the least degree of guilt been imputed to them? I wish rather to add to their powers over their own servants; and then I am satisfied, that guilt of the deepest dye would speedily be followed with the most exemplary punishment. I see no objection to giving the Directors most of the powers of this *Bill*, but think that it would be highly politic. Let me state to the recollection of the House, a recent transaction, in which the interests of the *Company*, and the national honour, were deeply wounded. When, after every possible delay, the authors of the late revolution at Madras, and the subsequent murder of Lord Pigot, were brought into an English court of justice, and a jury pronounced them guilty, what was the sentence? A trifling mulct, and not an hour's imprisonment. The fine, which they paid in court, was scarcely a fiftieth part of the spoils of a wicked usurpation of the supreme government, both civil and military, followed by the murder of the Governor. The public were insulted, even in the hour of trial, by a vain ostentation of what the criminals were prepared to have disgorged, before the fears of their troubled

consciences were quieted by a solemn mockery of justice. Such a conduct marked the partial and feeble hand of the law at home ; for surely, Sir, such crimes called for severity against the daring perpetrators, as well as to deter future delinquents. They may from this lenity learn with perfect safety, and immense profit, to perpetrate the trifling crimes of mutiny, rebellion, and murder, disgorging only a small portion of their ill-gotten wealth.

I have no objection, I confess, to restraining the *East-India Company* to the primary object of their *Charter*, to their original views of commerce, with a proper power over their own servants. I little relish the idea of a few merchants governing, as sovereigns, the three powerful states of Bengal, Bahar, and Orissa. It is inconsistent with political order, and the subordination of British subjects. The Jesuits were justly expelled from almost every government in the old and new world, not from a system of silly tenets, which not one in an hundred of them believed or cared about, but from their attempting to establish the *imperium in imperio*, which no state ever suffered with impunity. I venerate the wise maxim of a commercial policy, that, while it is adding to the national wealth, forms an invincible bulwark by the strength of a powerful navy ; but I detest a scandalous, heterogeneous traffic of war and trade, plunder and commerce, speculation and murder, extortion, rapine, and corruption. The national character has been lost in Hindostan. Provinces and kingdoms have been bought and sold by the Asiatic Generals and Governors of the *Company*, against the strongest orders of the Directors and Proprietors,

and

and the lives of some of the most harmless princes, who have ever reigned, set to sale. The mischief soon gains Europe; and we experience at home all the calamities, which Rome suffered in the declension of her empire, and from the same quarter, from the East. We are ruined by the luxury and venality of our own wretched, despicable offspring, and all the vices of the East, which they propagate here too successfully, when they return to purchase protection and indemnity for their crimes, or a seat in this House for sale to a corrupt Minister. I therefore, Sir, highly approve a Bill for the government of the territorial possessions and revenues of India, which ought to depend on the state, but the regulation of all commercial concerns I shall ever think ought to rest with the Proprietors and Directors. This is their province; and to this they are as competent as they are inadequate to dominion and the rule of empires.

Sir, I look upon this *Bill* as the bitter fruits of the *Coalition*. After the fatal consequences of the noble Lord's attack on the *American Charters*, I cannot think he would have ventured on this direct violation of the franchises and property of a great *Company*, if he had not been in impious league with so daring a colleague. Not a man, who hears me, can believe that such a *Bill* had ever appeared, if the wordy war had gone on between the two Secretaries. The noble lord indeed had made some former faint attempts, and for a good while cast a longing eye on the fair prey, but he dreaded his opponent. When he had secured a fit accomplice, the plan and share of the plunder was adjusted, and then the robbing of the *East-India Company* resolved. The *Duumviri, auro, argento, ære, not flando, or feriundo,*

but *rapiundo*, meant to proceed by this *Bill* to the seizure and confiscation of all *monies*, *securities for money*, *goods*, *wares*, *merchandizes*, &c. &c. &c. with as little scruple as in elder times any *triumvirate*, or *decemvirate*, ever used.

I protest, Sir, I do not feel the least personality against either of the chief members of the *Coalition*; but I dread the monstrous, unnatural union of such incongruous, discordant particles, because they could only be brought to *coalesce* for the division of the public spoils, and the sharing of all power among themselves, to the destruction of the public liberty, and the independency of this House. I believe that the noble Lord possesses perfect personal integrity. His own probity is unblemished; but a lust of power, and an unhappy indolence of temper, combined to make him through the course of the last war connive at almost every man in every department fleecing the public beyond the example of all former times. His own hands were clean; not so those of the whole tribe of his contractors and dependents. The noble Lord has a rich vein of pure, elegant, classical wit, the most easy manners, and unaffected good-nature, with every amiable and companionable quality. He is formed to be admired and beloved, as a private nobleman. Would to heaven I could commend his reverence for the constitution, his love of liberty, and his zeal for the preservation of those noble privileges and franchises, which are the birthright of Englishmen! With his colleague I have acted against his lordship for many years, I fought by his side through the whole American war, and in all the spirited struggles against the too great power of the crown. I have frequently been in raptures from the strains of his

his manly eloquence, the force of his reasoning, and the torrent of his oratory. So perfect a parliamentary debater this House has never known. I grieve when I recollect how unavailing all our tedious struggles have been, and that so large a part of the empire has been torn from us; but I am indignant when I see the noble Lord in one of the highest offices of the state, brought back to power, and carested by the very man, who undertook to *impeach him, as the great criminal of the state, the corrupter of Parliament, the author and contriver of our ruin.* He protested that *he could not trust himself in the same room with him.* At another time he said, *he consented to pass for the most infamous man in this, or any country, if ever he made part of an administration with the noble Lord in the blue ribband.* I do not forget, Sir, attending my Sovereign the last year, by the command of the Freeholders of Middlesex, *to thank his Majesty for having removed from his counsels, men, under whose administration calamities, so many and so great, have befallen this kingdom, and for appointing ministers, in whom this country had, and are willing to have, the fullest confidence.* That confidence could never have been lost, but by the dereliction of every principle, and every promise. The right honourable Secretary assured us in the first week after his accession to power, that he found every thing much worse than he could have suspected. Has he instituted the least enquiry into the causes of the dismemberment of the empire, and of the disgraces of the British fleet during so great a part of the last war, for which he has so often solemnly pledged himself? In breach of repeated public engagements, and almost daily pompous professions, he has joined the

enemy of America, by which he has lost the *confidence* of every man on the other side of the Atlantick, which he had acquired in some degree, and might have made useful to this country.

Sir, another strong objection to this *Bill* arises from the enormous power, in the end necessarily to accrue to the crown, and perhaps directly by collusion with a minister. It is, Sir, a patronage of above two millions sterling a year, of which the Company will be deprived. Wherever such a patronage falls, it cannot fail to overturn the balance of power in this well-poized constitution. All the Governor Generals, Lieutenant-Governors, Counsellors, Presidents, Council of Commerce, Factors, Writers, every thing civil and military, from the General to the Subaltern, in the various establishments throughout Asia, and at home every thing of profit in Leadenhall-Street, to the very warehousemen, clerks and porters of the House, are included. Such an influence in this age of corruption could never be withstood. I consoled myself, Sir, under the loss of America, because as the first object of my wishes was the immortality of the liberties of my country, and I had always thought *that the influence of the crown had increased, was increasing, and ought to be diminished*, three propositions regularly supported by one half of the *Coalition*, and regularly opposed by the other half, I imagined that the considerable diminution of regal power by the loss of the appointment of thirteen Governors, thirteen Lieutenant Governors, Chief Justices, Judges, Attorney and Solicitor-Generals, Receivers, Collectors, Comptrollers, Custom-house Officers, &c. &c. &c. with the military government of

Minorca,

Minorca, and the two Floridas, no longer rendered the Crown an object of terror. If, however, the immense patronage of Asia is to be given to the Crown, its overgrown power must soon swallow up the two other branches of the legislature, and the sovereign of England will become as perfect a despot as the monarch of France, Spain, or Prussia. If it is to be seized by a Minister at the head of a proud and hateful aristocracy, both the Sovereign and the people will be the slaves of a faction. One only resource will remain in the great revolution of human events, which the womb of time may bring forth, a circumstance not to be regretted, perhaps to be wished, by the real friends of humanity. It is an event possibly not very distant, that the French, Dutch, and Portuguese, as well as the English, may be entirely swept away from the countries in the East, which they have cruelly laid waste, and made the theatre of the most flagitious enormities. The peaceful natives will then be at rest, happy under the mild government of their own princes. Commerce will then no longer be fettered by a monopoly, but spread its swelling sails as freely over the Gulph of Bengal and the Indian seas, as on the coast of China and Japan, on the Atlantic, or the Mediterranean.

May I beg the indulgence of the House for a very few more words? We have an *Act* to prevent officers of the Customs and Excise from voting at elections of members to serve in Parliament, a truly wise and excellent regulation, dictated by the spirit of liberty. Should this *Bill* pass into a law, I will move the same kind of restraint with respect to every man employed under the intended *East-India commission*, to diminish in some degree the incredible weight of influence,

which

which it will create. I will bring to the test the consistency of the great Whig families, of whose support we have heard so much from the right honourable Secretary; and I doubt not of the effectual assistance of every independent character in the House. I do not, however, despair of the total rejection of the present *Bill*. I will only add, that if we do not strangle the monster in its birth, it will destroy the freedom both of the Parliament and people.

A P P E N D I X.

N^o I.

THE PROTEST OF THE EARL OF ABINGDON,

Entered February 24, 1777,

On the JOURNALS of the House of Lords.

Dissentient,

FIRST, Because I look upon this Bill, not only as a part of that system of Colony-Government, so inimical to Civil Liberty, so repugnant to the first and fundamental principles of the Constitution, so ruinous in its measures, so shocking to humanity, and so averse from that now exploded virtue of *universal benevolence*, but because I see herein that system coming home to OURSELVES, and with hasty steps pointing its dangers, even towards the heart of the kingdom,

Secondly,

Secondly, Because the Bill itself is attended with powers subversive of and unknown to the laws of the land, by apprehending persons, it may be, on groundless SUSPICION, by imprisoning perhaps the innocent, without the usual and necessary form of a single oath; and not too in the common gaol of the county, but in whatever part of the realm, be it ever so distant, that persecution shall think fit to adopt.

Thirdly, Because, although the ryder, which has been added by the other House, does in some degree abate the rigour of this harsh and alarming Bill, yet it does not sufficiently provide for the security of his Majesty's loyal subjects, the inhabitants of the West India Islands under its baneful operation; nay, even any individual of this country, who shall venture on the High Seas, if only to make the tour of the Hebrides, may become the object of suspicion, and the victim of vengeance.

Lastly, Because the hour is come, if from motives of policy only, that coercion to lenity should give way.

(Signed)

A B I N G D O N *.

* This noble Earl has been one of the most steady and intrepid assertors of liberty in this age. England has essential obligations to the family of the *Earl of Abingdon*. When the prince of Orange was at Exeter in great difficulties soon after his landing, when, "both the clergy and magistrates of Exeter were very fearful, and very backward, when the Bishop and the Dean ran away, and the Clergy stood off," as Bishop Burnet says, *Lord Abingdon* came in and joined our glorious deliverer. The same ardour for freedom glows in the breast of his noble descendant, with an almost unexampled spirit and activity. The citizens of Geneva, as well as the people of England, dwell with pleasure on the praise of a peer, who has made the most generous efforts for both in the cause of public liberty, and often sacrificed the pleasures and enjoyments of social life to their interests. No gentleman was ever more formed to please and captivate in private life than the present *Lord Abingdon*, or has been more deservedly, more generally esteemed and beloved. He possesses true honour in the highest degree, with generous sentiments of friendship. To superior manly sense he joins easy wit, with an amiable gaiety of temper, which diffuses universal cheerfulness. It is impossible not to be charmed with the happy *prodigality of nature* in his favour, but every consideration yields with him to a warm attachment to the Laws and constitution of England.

N^o II.

The PROTEST of the LORDS,

On the 16th of April, 1777.

Dissentient,

For the reasons contained in the amendment proposed and rejected, viz. in lieu of the Address, to substitute the following :

To assure his Majesty of the inviolable affection and loyalty of this House ; and that it is with the sincerest affliction we find our duty to his Majesty, and our country, entirely incompatible with our compliance with the request made to us in his Majesty's name.

That at a time when the increase of Public Debt, attended with a decrease of the British empire, manifestly required the utmost œconomy in the management of the Revenues of the Crown, we cannot behold, without astonishment and indignation, a profusion in your Majesty's ministers, which the greatest prosperity of our affairs could scarcely excuse.

That this House, with the most zealous devotion to your Majesty's true interests, beg leave to represent to your Majesty, that we humbly apprehend the clear revenue of 800,000 l. a year, which supported the go-

vernment

vernment and court of your Majesty's grandfather of happy memory, in great authority and magnificence, is fully sufficient (if managed by your Majesty's servants with the same integrity and oeconomy) to maintain also the honour and dignity of your Majesty's Crown, in that reverence in which we wish, as much at least as those who have squandered away your revenues, to see it always supported.

Parliament has already, in consideration (we suppose) of some expences at the beginning of your Majesty's reign, discharged the debts and incumbrances on the Civil List to a very great amount. Again to exceed the revenue granted by Parliament, without its authority, and to abuse its indulgence in paying one debt, by contracting, in so short a time, another, and a greater, is, on the first view, a criminal act. Your Majesty's ministers ought to have laid some matter before this House, tending to shew that your Majesty's government could not be reputably supported on the provision made by Parliament; whereas they have only laid before us the heads on which they have exceeded, without any thing which can tend either to justify or excuse the excess; and the only reason given to us for paying that debt is, that your Majesty's ministers have incurred it.

With regard to the further increase of your Majesty's Civil List revenues, we must decline any concurrence therein, not solely from motives of oeconomy (though at no time more strictly required), but from a dread also of the effect of such an augmentation on the honour and integrity of Parliament, by vesting such large sums without account in the hands of ministers. When an opi-

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nion is known to prevail, and which we have no means of contradicting, that your Majesty's Civil List revenues are employed in creating an undue influence in Parliament, it would be extremely unbecoming of us to vote, without manifest reason, great sums out of the property of your Majesty's subjects, which are supposed to be applied to our private emolument. It is our duty to attend to the reputation of Parliament; and we beg leave to represent to your Majesty, that a further increase of the present overgrown influence of the Crown would be a treacherous gift from Parliament even to the Crown itself, as it will enable the ministers to carry on those delusive systems which have been fatally adopted, and which, if pursued, must lead to the ruin, as they have already produced the distraction of this once great empire.

ABINGDON,

ABERGAVENNY,

ARCHER,

KING,

THANET,

TORRINGTON,

STAMFORD,

EFFINGHAM,

PORTLAND,

RICHMOND,

ROCKINGHAM,

FITZWILLIAM,

DEVONSHIRE,

MANCHESTER.

N° III.

The PROTEST of the Earl of RADNOR.

On the first of May, 1777.

Dissentient,

Because, though I admit, and zealously contend, that the splendor and dignity of the Crown of Great Britain, and the credit of the royal household, ought, for his Majesty's personal satisfaction, no less than for the honour of the nation, to be maintained by liberal grants of Parliament (liberal beyond the charge of parsimony, or a minute calculation of the demands on government); yet, when no consideration is had, and no account whatever given in of various productive funds, of which his Majesty's servants are in the receipt, and which are never accounted for in Parliament, I must insist that all calculations of a deficiency in the assumed sum of 800,000*l.* only, are fallacious and absurd.

Because these funds produce either the exact sum of 78,000*l.* or more, or less. If they produce that sum, the produce more than liquidates the present stated debt. If they produce less, but yet producing something, the accounts upon the table cannot be true; for such produce would then either have been accounted for in diminution of this debt, or such produce is still
in

in hand, and the means of discharging such debt remain; or there has been some secret expenditure to which it has been applied, and which administration have not thought fit to mention. If they produce, as I cannot but think they do produce, considerably more, it surely rests upon ministers to shew the application, rather than becomes the credulity of Parliament to accept these accounts as complete, or its generosity to supply with such readiness, and consequently encourage the wantonness of their profusion, as to the amount, and perhaps their criminality in the destination of the sums.

And because, when (exclusive of the enormous sums stated to be lodged with certain persons who are members of the House of Commons, for secret and special services, words calculated to perplex and not inform) the extravagant amount of salaries and acknowledged pensions (to which parliamentary jealousy claims a right of making a large addition on account of the general belief, amounting with many persons to an internal conviction of considerable disbursements for secret and unacknowledged purposes) is considered; I hold it my duty, as a member of the legislature, to withhold the additional means, afforded by this bill, of corrupting the integrity of Parliament.

R A D N O R.

N^o 4.

Extract from “ A report from the Committee appointed (upon the 27th day of March 1771) to examine into the several facts and circumstances relative to the late obstructions to the execution of the orders of this House; and to consider what further proceedings may be requisite to enforce a due obedience thereto; and to report their proceedings, together with their opinion, from time to time, to the House.”

The Committee appointed to examine into the several facts and circumstances relative to the late obstructions to the execution of the orders of this House, and to consider what further proceedings may be requisite to enforce a due obedience thereto, and to report their proceedings, together with their opinion, from time to time, to the House, have, in obedience to the order of the House, begun by examining into the facts and circumstances relating to the late obstructions to the orders of the House; and, in order thereto, called before them,

William Whitbam, one of the messengers attending this House; who said, “ That he had had no other warrant but that for taking *J. Miller* into custody, on the 15th of *March*, 1771: it was directed to Mr. *Bonfoy*, Mr. *Clementson*; and himself, with orders to

“ go

“ go and take *Miller* into custody ; and he proceeded,
 “ and came to *Miller’s* house about 2 o’clock ; and he
 “ asked if *Miller* was at home, and was informed he
 “ was above stairs, and would be down in a little time ;
 “ that he waited about a quarter of an hour, when
 “ *Miller* came down, and went into his compting-
 “ house ; that he (*Whitham*) followed him, and told
 “ him, he hoped he would not be surprized, that he
 “ had the Speaker’s warrant for taking him into cus-
 “ tody, and offered to shew the warrant to him ; and
 “ that he (*Miller*) just cast his eye upon it, and said,
 “ that the messenger had no authority to take him,
 “ and he should take no notice of it ; whereupon he
 “ (the messenger) laid his hand upon *Miller’s* arm, and
 “ told him he was his prisoner, and that he must go
 “ with him. *Miller* said, that he had assaulted him in
 “ his own house ; and thereupon told one of the per-
 “ sons present to go and fetch such a one, but does
 “ not remember the name of the constable, who came
 “ in a few minutes, and *Miller* charged the constable
 “ with him for the assault, and required the constable
 “ to carry him before the sitting alderman ; that as he
 “ (*Whitham*) was going into the court where *Miller*
 “ lives, he saw a man, whom he takes to be the con-
 “ stable, come out of *Miller’s* house, and go into a
 “ house near the opening into the court ; and, by the
 “ shortness of the time, which was about three or four
 “ minutes, he judged the constable might come from
 “ that house ; that the constable came into the compt-
 “ ing-house, and *Miller* charged him to take the mes-
 “ senger (*Whitham*) into custody ; the constable charged
 “ all present to assist him, and the messenger gave the
 “ like charge to all present on his behalf ; that he is

“ not sure the constable laid his hands on him ; but,
 “ finding they were determined to arrest him, he made
 “ no resistance ; that he apprehends a coach was ready
 “ by order, as there was not time to call one from the
 “ stand : and one *Clarke*, and *Miller*, and he (the mes-
 “ senger), went into the coach, which was ordered to
 “ drive to *Guildhall*, and did so.

“ That, when they arrived at *Guildhall*, they went
 “ up stairs, and were informed that the sitting Al-
 “ derman was gone ; that as soon as they arrived at
 “ *Guildhall*, *Clarke* went for Mr. *Clementson* ; that he
 “ did not hear any one in particular directed to go to
 “ the *Mansion House* ; but that several persons followed
 “ *Miller* to *Guildhall* ; and in about a quarter of an
 “ hour, word was brought that the sitting Alderman
 “ was at the *Mansion House* ; whereupon they went thi-
 “ ther, and were taken into the room where business is
 “ usually done : they staid there about a quarter of an
 “ hour, when word was brought that he (*Miller*) could
 “ not be examined till six o'clock :—that he (*Whitbam*)
 “ desired he might not be examined before Mr. *Cle-*
 “ *mentson* came ; that they staid a short time, when a
 “ gentleman came and desired *Miller* and him to follow
 “ him, who shewed them into a room where people
 “ were dining ; they dined, and then went into another
 “ room, where he and *Miller* staid till they were called
 “ to the Lord Mayor, who was in his bed-chamber
 “ with Aldermen *Oliver* and *Wilkes*, and several other
 “ persons ; that he met Mr. *Clementson* as he was going
 “ into the room to the Lord Mayor. The Lord Mayor
 “ began by asking *Miller* concerning his being taken
 “ into custody by the messenger, and *Miller* gave an
 “ account of it ; then the Lord Mayor asked him (the
 “ messenger)

“ messenger) by what authority he took *Miller*? He
 “ answered by the authority of the Speaker’s warrant,
 “ which the Lord Mayor ordered him to produce; he
 “ did so, and was ordered by Mr. *Clementson* to read it,
 “ but not to deliver it out of his hands; that as he was
 “ going to read it, the Lord Mayor said, he must have
 “ the inspection of it, or no notice could be taken of
 “ it; that he then delivered it to the Lord Mayor upon
 “ his promise it should be restored to him; that the
 “ Lord Mayor took and read it; and he or Mr. *Mor-*
 “ *ris*, but rather thinks the latter, ordered a copy to
 “ be taken of it, and a copy was taken accordingly;—
 “ that the Lord Mayor asked him, if he had applied to
 “ any Civil Magistrate to back the warrant, or whether
 “ he was a peace-officer? To both which he answered
 “ in the negative:—the Lord Mayor then asked, by
 “ what authority he could take a citizen into custody?
 “ That he (the messenger) answered, by the Speaker’s
 “ warrant, which he thought sufficient; and the Lord
 “ Mayor then said, he had no authority to take up any
 “ one in the City, without his or the authority of some
 “ city magistrate.

“ Then three witnesses were sworn to the facts which
 “ passed at *Miller’s*, and that thereupon Mr. *Clementson*
 “ informed the Lord Mayor, that he was come by the
 “ Speaker’s order to demand the messenger and his pri-
 “ soner: he does not recollect the answer which was
 “ given to this demand; but some arguments passed,
 “ and Mr. *Morris* spoke a good deal: then the Lord
 “ Mayor said, that he (the messenger) must be com-
 “ mitted to the *Compter*, and *Miller* must be discharged;
 “ and ordered a *Mittimus* to be drawn, and that he saw
 “ the Lord Mayor, sign it: that Mr. *Morris* then said,

“ it would be proper that the other two Aldermen
 “ should sign it, who did so in the presence of him
 “ the messenger: the Lord Mayor then said, he did
 “ not desire them to be concerned, but would take it
 “ upon himself: that, before the warrant was quite
 “ completed, the Lord Mayor or Mr. *Morris* said, there
 “ was bail in the room, if it was liked of; and one
 “ Mr. *Hurford*, Mr. *Witby*, and Mr. *Reynolds* an attor-
 “ ney, offered to be bail, before the Lord Mayor said,
 “ I must give bail; that he thanked them, but did
 “ not know whether he should have occasion for it;
 “ and said that he never had applied to them for it.

“ That he declined giving bail, Mr. *Clementson* say-
 “ ing it was not proper; and the warrant was signed
 “ and sealed: Mr. *Clementson* then said, that he was
 “ ready to give bail; whereupon the Lord Mayor grew
 “ warm, and said he was trifled with; and that he then
 “ said, that he, or we, would not then take bail, or
 “ words to that purpose; upon which there was some
 “ noise and clapping of hands in the room; and there
 “ followed some discourse between the Lord Mayor,
 “ Mr. *Clementson*, and Mr. *Morris*; and he thinks, in
 “ consequence, it was agreed to take bail; and *Hur-*
 “ *ford* and *Witby* gave bail, and Mr. *Clementson* agreed
 “ to it.

“ That Mr. *Clementson* and he (the messenger) were
 “ afterwards sent back from the Speaker's to the *Man-*
 “ *sion House*, for a copy of the warrant of commitment;
 “ and were refused it, being told, it was not to be
 “ found, but, if it should, they might have it in the
 “ morning.—That he (the messenger) went a second
 “ and third time; and was told the last time, he might
 “ have a copy of the Recognizance a little before the
 “ Quarter.

“ Quarter Session, if he desired it; but that the copy
 “ of the warrant was of no use after bail was given.”

The Committee then proceeded to examine Mr. *Clementson* the Deputy Serjeant at arms,—who said,
 “ That he went to the Speaker’s house on *Friday* the
 “ 15th of *March* to see if the warrant was signed for
 “ taking *Miller* into custody; that the Speaker’s secre-
 “ tary had prepared it, and the Speaker signed it, and
 “ delivered it to him (*Clementson*) who gave it to the
 “ messenger, and told him, that if he found any dif-
 “ ficulty, to send for him, who should be at home.—
 “ That he heard nothing more, till half an hour past
 “ three o’clock; then a person came to him, and told
 “ him, he must come, for that the messenger was
 “ taken up by a constable, and charged with an assault.
 “ —That he went to the Speaker’s, and told him of it,
 “ who gave him directions to go and demand the mes-
 “ senger, and his prisoner; and that if bail was neces-
 “ sary, he must give it; but that he must see him
 “ committed first.—That he went first to *Guildhall*,
 “ about five o’clock, but found nobody there, and was
 “ told, he should hear of them at the *Mansion House*.
 “ —That he went there, and was introduced to the
 “ Lord Mayor, in his bed-chamber.—That he told the
 “ Lord Mayor, he understood, that the messenger, to
 “ whom the warrant was directed for apprehending
 “ *Miller*, was taken up by a constable, and charged
 “ with an assault; that he therefore desired to know,
 “ if the messenger had been brought before him.—
 “ That the Lord Mayor said, he had been told, that a
 “ person, who was called a messenger of the House of
 “ Commons, had been brought there, and charged
 “ with an assault.—That he (*Clementson*) waited in an

“ anti-room till six o’clock.—That the messenger then
 “ came, and *Miller* and a Constable (*John Downe*),
 “ and a large concourse of people.—Then they went
 “ in, to the Lord Mayor; Alderman *Wilkes* and Al-
 “ derman *Oliver* were there with him.—The Lord
 “ Mayor asked, what was the purpose of their coming
 “ thither? *Miller* said, he charged *Whitham*, the mes-
 “ senger, with an assault. On this Mr. *Robert Morris*
 “ appeared, and said he was counsel for *Miller* the
 “ prosecutor.—He said, that *Miller* had been violently
 “ assaulted, and falsely imprisoned, by an illegal war-
 “ rant,—*Downe*, the Constable (who was asked for by
 “ the Lord Mayor) said, *Miller* had applied to him,
 “ about one or two o’clock, and had complained of an
 “ assault on him, in his own house, by the messenger,
 “ and charged him to take the messenger into custody;
 “ he therefore took him into custody, in order to carry
 “ him before a proper magistrate.

“ *Miller* was then called upon; who said, That a
 “ person who called himself a messenger of the House
 “ of Commons came to him, and took him into cus-
 “ tody, by virtue of a pretended warrant.—That
 “ *Miller* was then sworn by the Lord Mayor, and said
 “ upon his oath, that what he had before said was
 “ true. He went on, and said, he had refused to
 “ go with the person.—That the person had used vi-
 “ olence, and had seized hold of him, and was pulling
 “ him along.—That the Lord Mayor asked the mes-
 “ senger, what offence *Miller* had committed, or what
 “ authority he had for assaulting *Miller* in this man-
 “ ner? The messenger said, he had the Speaker’s
 “ warrant, directed to him, to take *Miller* into cus-
 “ tody. The Lord Mayor asked where the warrant

“ was?

“ was? That he (*Clementson*) told *Whitham* to open it,
 “ and read it himself.—That the Lord Mayor or Mr.
 “ *Morris* (he can’t say which) said it must be pro-
 “ duced.—That he (*Clementson*) objected to it for some
 “ time; but the Lord Mayor saying it could not be
 “ taken notice of, if not produced, he delivered it to
 “ the Lord Mayor, on his promising to deliver it back
 “ to him; that he waited till this time, to see the na-
 “ ture of the assault charged on *Whitham*; and finding
 “ that it was for executing the warrant for taking
 “ *Miller* into custody, he then told the Lord Mayor,
 “ that he appeared before him as Deputy Serjeant at
 “ Arms of the House of Commons; that he came
 “ there by the Speaker’s directions, and had his com-
 “ mands to demand not only *Whitham* the messenger,
 “ but likewise *Miller* his prisoner; and he made that
 “ demand in the most solemn manner he was able.—
 “ That Mr. *Morris*, on this, desired he (*Clementson*)
 “ might be sworn as an evidence:—But he (*Clementson*)
 “ declared he would not be sworn, and said, he did not
 “ come as an evidence, but as an officer of the House
 “ of Commons, to execute the commands given him
 “ by the Speaker.—The Lord Mayor said, he could
 “ not take notice of any thing in his magisterial ca-
 “ pacity, that was not given upon oath.—That he
 “ was then asked by *Morris*, if he refused to be ex-
 “ amined to any of the facts or circumstances within his
 “ knowledge.—That he doubted at first what answer
 “ to give to that; but, on recollection, he said, if
 “ there was the least doubt either of the warrant being
 “ signed by the Speaker, or of his (*Clementson*’s) hav-
 “ ing the Speaker’s commands to demand *Whitham* the
 “ messenger, and *Miller* his prisoner, he was ready to
 “ be

“ be sworn to the truth of those matters ; but would
 “ not be sworn generally.—Finding that to be his re-
 “ solution, Mr. *Morris* declined swearing him as to
 “ those matters ; but he (*Clementson*) again repeated,
 “ that if there was any doubt as to those matters, he
 “ was ready to swear to them.

“ That the Lord Mayor asked *Whitham* if he was a
 “ Peace-Officer or a Constable ? he said, he was not ?—
 “ if he had applied to any City Magistrate to back
 “ his warrant ; he said, he had not :—Upon this, the
 “ Lord Mayor declared, That it was very extraordi-
 “ nary for any Citizen to be taken up in the City of
 “ London, without the knowledge or authority of the
 “ Lord Mayor, or some other magistrate of the City ;
 “ and if this was permitted to be the case, it would
 “ be trampling on the laws, and there would be an
 “ end of the constitution of this country.

“ Then *Miller* was examined, as to his being a Li-
 “ veryman of the City of *London*.—The Lord Mayor
 “ said, it was his opinion, that no warrant, but from
 “ him or some other magistrate of the city, was good
 “ and valid to take up any citizen ; that he thought
 “ himself bound, so long as he held the great Office
 “ of Chief Magistrate of the City of *London*, to take
 “ notice of a proceeding of this sort ; and that it was
 “ his duty to defend the Citizens, and their Rights
 “ and Liberties, to the last extremity,—He said, he
 “ was of opinion, the messenger had no right to take
 “ up *Miller*, who was a Citizen, not being charged
 “ with any Felony, Trespass, or Breach of the Peace.
 “ That Mr. *Morris* then took four objections to the
 “ warrant.

“ First,

“ First, that the words [“ House of Commons”]
 “ was not a sufficient description of the power which
 “ had passed the Vote.—That it should have been
 [“ the House of Commons in Parliament assembled.”]

“ Secondly, That [“ *J. Miller*”] was no sufficient
 “ description of the person.

“ Thirdly, That the offence was not inserted; and
 “ therefore that it was illegal, and without colour of
 “ law.

“ Fourthly, That it did not appear, that [“ *Fletcher*
 “ *Norton*, Speaker,”] who signed the warrant, was
 “ the Sir *Fletcher Norton*, who is Speaker of the House
 “ of Commons.

“ That the Lord Mayor asked *Whitham*, whether
 “ he intended to carry *Miller* away as his prisoner?
 “ *Whitham* said, he did.—The Lord Mayor then said,
 “ he thought the warrant was illegal; and therefore
 “ he discharged *Miller* out of the custody of the mes-
 “ senger; and said at the same time, This Citizen
 “ comes here to claim a citizen’s protection of me,
 “ and I think he is entitled to it.

“ That then the Lord Mayor proceeded on the as-
 “ fault.—*Miller* proved that *Whitham* had laid hold of
 “ his arm and pulled him; and that about five mi-
 “ nutes afterwards the constable came. After this,
 “ Three persons were produced to prove the assault.

“ *Henry Page*, of *Newgate-Street*, Printer.

“ *John Topping*, of the *Old Bailey*, Printer.

“ *Robert Page*, of *Newgate-Street*, Printer.

“ They proved, That *Whitham* laid hold of *Miller*’s
 “ arm, and said, he was his prisoner, and that *Miller*
 “ said, he should not go, or did not chuse to go.
 “ That *Whitham* said, You must go; and *Miller* said,
 “ he

“ he should not ; and then *Whitham* charged every
 “ body present to assist him. After this, the Consta-
 “ ble was brought ; and the Constable charged all
 “ present to assist him.

“ That the Lord Mayor, on this, gave it as his
 “ opinion, that the assault was fully proved ; and that
 “ *Whitham* must give security to appear at the next
 “ Session for the City of *London*, to answer such in-
 “ dictments as should be then found against him for
 “ the assault and false imprisonment, himself in Forty
 “ Pounds, and Two Securities in Twenty Pounds
 “ each ; and that *Miller* was to be bound to appear
 “ and make out the charge.—Mr. *Morris* and many
 “ others present were ready to be bail for *Whitham* :
 “ That *Whitham* was very much frightened, and was
 “ ready to offer bail ; but he (*Clementson*) insisted he
 “ should not give bail.—The Lord Mayor desired it
 “ might be noticed that bail was offered ; but not ac-
 “ cepted by *Whitham*.

“ Then the Lord Mayor directed a warrant to be
 “ made out ; and the person who had these directions
 “ he saw fill up what he supposed was the warrant ;
 “ and the Lord Mayor declared, it was a warrant for
 “ committing *Whitham* to the *Compter*.—That he saw
 “ the Lord Mayor sign that paper.—On this, Mr.
 “ *Morris* desired the other two Aldermen might sign
 “ the warrant, as well as his Lordship ; else it might
 “ be supposed, that they did not concur in opinion
 “ with his Lordship.—The Lord Mayor said, he did
 “ not desire any body else to sign it, though the two
 “ Aldermen declared themselves ready to do it ; and
 “ he particularly said to Alderman *Wilkes*, *I think you*
 “ *have enough upon your hands already*.—The warrant
 “ however

“ however was directed to be altered by the Clerk into
 “ the plural number ; and he saw that paper signed by
 “ the other two Aldermen, *Wilkes* and *Oliver*.—That
 “ he asked the Lord Mayor if it was signed by them
 “ all ; and he said, it was ; and directions were given
 “ by the Lord Mayor, and Mr. *Wilkes*, to the Con-
 “ stable, that *he (Whitham)* might be used kindly in pri-
 “ son.—That just before they were going to take him
 “ away, he thought that, this being a Commitment,
 “ he had gone far enough ; and then he offered bail.—
 “ That the Lord Mayor grew warm at this, and said,
 “ that he found that this proceeding meant to exag-
 “ gerate the Offence or Business, or the Proceeding ; he
 “ could not recollect exactly the word he made use of.
 “ That, after this was done, he came back immedi-
 “ ately to the Speaker ; and upon his relating what had
 “ happened, he desired him to go back and try to get a
 “ copy of the warrant of Commitment.—The Lord
 “ Mayor said, he could not tell where to find it then,
 “ every body being gone away ; but that if it was not
 “ destroyed, being now of no use, he should have a
 “ copy ; but that I knew he had signed it alone first,
 “ and that afterwards Alderman *Wilkes* and Alderman
 “ *Oliver* desired to sign it too ; and that he and Alder-
 “ man *Oliver* should, in their places in the House of
 “ Commons, admit their having signed such a war-
 “ rant ; but that he should have a copy of it in the
 “ morning if it could be found.—That he applied
 “ again on *Saturday* morning to the Lord Mayor for
 “ a copy of the warrant ; he said he could not yet find
 “ it ; that some of them had taken it away, and he
 “ knew not where it was ; but that if it could be
 “ found, *Whitham* should have a copy of it ; that it
 “ did

“ did not signify, for that he did not mean to deny
 “ what had been done, or make use of any subterfuge;
 “ and that this was all that he (*Clementson*) had done.—
 “ That he did not go to execute the warrant himself;
 “ and that it was not sealed.

“ And he further added this circumstance, that he
 “ recollects, when the Lord Mayor had signed the
 “ *Mittimus*, and he the Deputy Serjeant had offered
 “ Bail, the Lord Mayor grew warm, and made use of
 “ some expression, that he should not take Bail then,
 “ or words to that purpose; saying, that this pro-
 “ ceeding meant to exaggerate the offence, or words
 “ to that effect; but he soon afterwards said, he must
 “ take bail.

“ That he endeavoured to serve the order of the
 “ House on *J. Wheble*; and went on *Thursday* the 28th
 “ of *February*, to his (*Wheble's*) shop, and enquired for
 “ him, and the servant said, he was not at home, but
 “ would be in an hour's time; that he called again,
 “ and received the same answer;—that he called again,
 “ and was answered by a lad in the shop, who said he
 “ was an apprentice, that he was not at home, being
 “ gone to the other end of the town; and that his
 “ master had waited all the day before, expecting him.
 “ —That he (*Clementson*) then said, that he would call
 “ again in an hour, and bid him tell his master.—
 “ That he did so; and was told, he (*Wheble*) had
 “ been in, and was gone out again; but if he would
 “ let him know where he (*Clementson*) might be found,
 “ he would wait on him.—That he went to a Coffee-
 “ house, and waited; then called again, and was told,
 “ *Wheble* was expected to dinner at three o'clock.—
 “ That he called at half an hour past three, and was told
 “ that

“ that *Wheble* was not at home, but would be soon.—
 “ That he called again at four and five o’clock, and re-
 “ ceived the same answers.—That he left word he was
 “ the Deputy Serjeant at Arms, and would be there
 “ again at half an hour past nine in the morning; which
 “ he accordingly was, and was told by the same per-
 “ son, that *Wheble* was not at home, but said, he had
 “ delivered the message he had left with him, and that
 “ his master said, he was very sorry he was obliged to go
 “ out, and he left no word when he would be at home.—
 “ That he called again at eleven o’clock, and he was
 “ not at home; but was answered, he might be in, in
 “ half an hour.—That he went again on *Saturday* at
 “ ten o’clock, and the apprentice said, he was not at
 “ home, but would be in the afternoon; and said it
 “ with a smile, as if laughing at my frequent calling;
 “ and said, if he would leave word where he might be
 “ found, we will send you word when he is at leisure.
 “ —That he (*Clementson*) said, he would be there at
 “ seven o’clock, which he accordingly was, but was
 “ told, he (*Wheble*) was not at home, and had sent
 “ for his linen, and therefore was not expected till
 “ *Monday*.

“ That he did not go to *Thompson* till *Friday* the
 “ First of *March*, because there were two *R. Thompsons*,
 “ one *Richard*, the other *Robert*.—That he found, at
 “ the Stamp-Office, that *Thompson* had been summoned
 “ before the Commissioners to give security, and said
 “ his name was *Robert*:—That he sent a messenger to
 “ enquire in the neighbourhood, and found there was
 “ but one:—That he went to *Thompson’s* house, and was
 “ told by a man he was not at home, nor could tell
 “ when he would be, or whether he was in town; that
 “ he

“ he had seen him two or three days before; that no-
 “ body knew more about *Thompson* than himself, and if
 “ he (*Clementson*) would leave a message, he would de-
 “ liver it:—That *Williams* the messenger then said,
 “ you know our business; to which he made no an-
 “ swer:—That he went again at eleven o’clock; and
 “ the servant said, *Thompson* was not at home; for he
 “ had not seen him, and nobody knew better than he;
 “ and said, that if he (*Clementson*) had business with
 “ *Thompson*, it was usually left with him first, and that
 “ no time was more likely to meet with him than that
 “ day or to-morrow.

“ That he (*Clementson*) went again on *Saturday*; and
 “ the same person told him *Thompson* was not at home,
 “ but would be in half an hour, but had no reason for
 “ thinking so:—That he went twice afterwards, and
 “ he was not at home, nor had been, and that he did
 “ not know when he would be:—That he (*Clementson*)
 “ said, Then he will not see me; and received for
 “ answer, he could not tell.”

And he farther said, “ That there had been one
 “ more attempt since, to execute the warrants on *Whe-*
 “ *ble* and *Thompson*; that Mr. *Speaker* had made an al-
 “ teration in the direction of the warrants, by insert-
 “ ing the name of *Wood* the messenger; that *Wood*
 “ took the warrant, and he (*Clementson*) followed after,
 “ to endeavour to find *Wheble* and *Thompson*; that he
 “ (*Clementson*) waited at a coffee-house in *Wheble*’s
 “ neighbourhood; that *Wood* went and endeavoured to
 “ find them, but without effect.”

Your Committee then proceeded to examine *Charles*
Williams the messenger; who said, “ he attended the
 “ Serjeant, in endeavouring to serve the warrants on
 “ *Wheble*

“ *Wheble* and *Thompson*, on *Thursday* the twenty-eighth day of *February* :—That he went six or seven times to *Wheble's* house ; that he did not find him at home, but was told he would be at home soon.

“ That he went to *Thompson's* several times, and received the same sort of answer ; that the business they came upon was known at both places ; and that he had read *Mr. Clementson's* minutes at the time, which he found were right.”

The Committee then proceeded to examine *Guy Wood* the messenger ; who said, “ He had the Speaker's warrant, about the tenth or eleventh of *March*, to arrest *Thompson* and *Wheble* ; that he received it from the Deputy Serjeant ; that his (*Wood's*) name was inserted in the warrant ; that he went with one *Mr. Lee* to *Thompson's* house ; that *Lee* went in and enquired for *Thompson* ; that they had agreed, that, if *Lee* staid above a minute, he (*Wood*) was to come in after him ; but *Lee* not finding him at home, came out immediately.

“ That they went from thence to *Wheble's*, and proceeded in the same manner. *Lee* went in, and was told *Wheble* was gone into the country : they then went to the *Green Dragon* in *Fleet-Street*, where *Wheble's* evening papers are delivered, and staid some time, to try if they could see him come after his papers, or about his business, but could see nothing of him : that they have made several enquiries since, and can hear nothing of him.”

Your Committee having thus stated the evidence of the facts and circumstances relative to the late obstructions to the execution of the orders of this House, as it appeared before them, &c.

N^o 5.

VOTES of May 7, 1777.

Ordered, *Nemine contradicente*,

That Mr. *Speaker* be desired to print the Speeches made by him to His Majesty, in the House of Peers, this day, upon his presenting to His Majesty the Bill for the better support of His Majesty's household, and of the honour and dignity of the crown of Great Britain, which then received the Royal Assent.

The SPEECH of the Speaker of the House of Commons, Sir *Fletcher Norton*.

“ *Most Gracious Sovereign,*

“ The Bill which it is now my duty to present to
 “ your Majesty, is intituled, *An Act for the better sup-
 “ port of his Majesty's household, and of the honour and
 “ dignity of the crown of Great Britain:* to which your
 “ Commons humbly beg your Royal Assent.

“ By this Bill, Sir, and the respectful circumstances
 “ which preceded and accompanied it, your Commons
 “ have given the fullest and clearest proof of their
 “ zeal and affection for your Majesty. For in a time
 “ of public distress, full of difficulty and danger, *their
 “ constituents labouring under burthens almost too heavy to*
 “ *be*

“ *be borne*, your faithful Commons postponed all other
 “ business; and, with as much dispatch as the nature
 “ of their proceedings would admit, have not only
 “ granted to your Majesty a large present supply, but
 “ also very great additional revenue;—*great beyond*
 “ *example; great, beyond your Majesty's highest expence.*

“ But all this, Sir, they have done, in a well-
 “ grounded confidence, that you will apply *wisely*
 “ what they have granted *liberally*; and feeling what
 “ every good subject must feel with the greatest satis-
 “ faction, that, under the direction of your Majesty's
 “ wisdom, the affluence and grandeur of the Sovereign
 “ will reflect dignity and honour upon his people.”

VOTES of May 9, 1777.

Resolved,

That the *Speaker* of this House, in his Speech to His Majesty, at the bar of the House of Peers on Wednesday last, and which was desired, *Nemine contradicente*, by this House, to be printed, did express, with just and proper energy, the zeal of this House, for the support of the honour and dignity of the Crown, in circumstances of great public charge.

Ordered,

That the thanks of this House be returned to Mr. *Speaker* for his said Speech to His Majesty.

(420)

N^o 6.

P R O O F S
OF THE
M A R R I A G E S
Of their ROYAL HIGHNESSES
THE DUKES OF
G L O U C E S T E R A N D C U M B E R L A N D.

(C O P Y.)

At the Court at St. James's the 21st day of May,
1773.

P R E S E N T,

The KING's most Excellent MAJESTY

Archbishop of Canterbury	Earl of Dartmouth
Lord Chancellor	Earl of Bristol
Duke of Newcastle	Viscount Townshend
Lord Chamberlain	Viscount Falmouth
Earl of Denbigh	Viscount Howe
Earl of Sandwich	Viscount Hinchinbrook
Earl of Rochford	Bishop of London.

WHEREAS

MARRIAGE.

Order for the Archbishop of Canterbury, Lord Chancellor, and the Bishop of London, to enquire into the Legality of the Marriages of their Royal Highnesses the Dukes of Gloucester and Cumberland.

WHEREAS application has been made to his Majesty, by his Royal Highness the Duke of Gloucester, requesting that his Majesty would be pleased to give such directions as to his Majesty shall seem meet, that the marriage of his Royal Highness the Duke of Gloucester may be duly and properly authenticated, as the time of the delivery of the Duchess of Gloucester draws near. His Majesty having taken the same into his royal consideration, and being disposed to comply with his Royal Highness the Duke of Gloucester's request, to cause his Royal Highness's said marriage to be authenticated as soon as possible, is pleased, with the advice of the Privy Council, to order (and it is hereby accordingly ordered) that the most Reverend Father in God Frederick Lord Archbishop of Canterbury, the Right Honourable Henry Lord Apsley, Lord High Chancellor of Great Britain, and the Right Reverend Father in God Richard Lord Bishop of London, do forthwith make enquiry into the legality of the said marriage of his Royal Highness the Duke of Gloucester; and do certify to his Majesty at this board their opinion thereupon, together with the several proofs of the said marriage, in order that the same may be recorded in the Council-books.

AND his Majesty is also further pleased to order (as it is hereby accordingly ordered) that the most Reverend Father in God Frederick Lord Archbishop of Canterbury, the Right Honourable Henry Lord Apsley, Lord High Chancellor of Great Britain, and the Right Reverend Father in God Richard Lord Bishop of London, do also make the like enquiry into the legality

of the marriage of his Royal Highness the Duke of Cumberland, and do certify at the same time to his Majesty at this board their opinion thereupon, together with the several proofs of the said marriage, in order that the same may be recorded in the Council-books.

The KING's most Excellent MAJESTY in
Council.

IN obedience to your Majesty's command signified by your order in Council, bearing date the twenty-first of this instant, directing us forthwith to make enquiry into the legality of the marriage of his Royal Highness the Duke of Gloucester, and to certify to your Majesty in Council our opinion thereupon, together with the several proofs of the said marriage, in order that the same may be recorded in the Council-books; we did on the twenty-second of this instant attend his Royal Highness the Duke of Gloucester, at Gloucester-House, at seven o'clock in the afternoon; and do thereupon humbly report to your Majesty, that it does appear to us by the several proofs which have been laid before us (which proofs, in pursuance of your Majesty's said order in Council, we have hereunto annexed) that a marriage was solemnized on the sixth day of September, one thousand seven hundred and sixty-six, between his said Royal Highness William Henry Duke of Gloucester, and Maria Countess Dowager of Waldegrave.

AND in further obedience to your Majesty's said order in Council of the twenty-first of this instant, directing us to make the like enquiry into the legality of the marriage of his Royal Highness the Duke of Cumberland,

land, and to certify at the same time to your Majesty in Council our opinion thereupon, together with the several proofs of the said marriage, in order that the same may be recorded in the Council-books; we did attend his Royal Highness the Duke of Cumberland at Cumberland-House, on the twenty-third of this instant, at two o'clock in the afternoon; and do further humbly report to your Majesty, that it does appear to us, from the several proofs which have been laid before us (which proofs are also hereunto annexed) that a marriage was solemnized between his said Royal Highness Henry Frederick Duke of Cumberland, and the Honourable Anne Horton, widow, on the second day of October, one thousand seven hundred and seventy-one.

(Signed)

FRED. Cant.

May 26,

APSLEY, C.

1773.

RIC. London.

At Gloucester House.

Saturday the 22d of May, 1773.

Seven in the Evening.

His Majesty having been pleased, by his order in Council of yesterday's date, specially to appoint the most Reverend Father in God Frederick Lord Archbishop of Canterbury, the Right Honourable Henry Lord Apsley, Lord High Chancellor of Great Britain, and the Right Reverend Father in God Richard Lord Bishop of London, forthwith to make enquiry into the legality of the marriage of his Royal Highness the Duke of Gloucester, and to certify to his Majesty in

Council their opinion thereupon, together with the several proofs of the said marriage; their Lordships did this afternoon attend his Royal Highness at Gloucester House, at seven o'clock; and his Royal Highness being asked several questions by their Lordships,, he gave answer and signed a declaration thereof in writing, and deposed the same upon oath as followeth :

I WILLIAM HENRY, Duke of Gloucester, do declare most solemnly, that I was married to Maria Countess Dowager of Waldegrave, on the sixth of September, one thousand seven hundred and sixty-six, between the hours of seven and nine in the evening, at her house in Pall-mall, by Robert Morton (since deceased), one of her domestic chaplains, according to the form of the church of England; and that no other person was present.

(Signed) WILLIAM HENRY.

SEVERAL questions being likewise put to her Royal Highness the Dutchess of Gloucester by their Lordships; she gave answer, and signed a declaration thereof in writing, and deposed the same upon oath as followeth.

I MARIA, Dutchess of Gloucester, do solemnly declare, that I was married to his Royal Highness William Henry Duke of Gloucester, on the sixth of September, one thousand seven hundred and sixty-six, at my house in Pall-mall, between the hours of seven and nine in the evening, by Robert Morton (since deceased), one of my domestic chaplains, according to the forms and ceremonies of the church of England: no other persons being present. (Signed) MARIA.

CHARLES

CHARLES RAINSFORD, Lieutenant Colonel in the Coldstream regiment of foot guards, doth depose upon his oath, and faith, that his Royal Highness the Duke of Gloucester did, on Saturday the nineteenth of October, one thousand seven hundred and seventy-one, at Leghorn, declare, supposing himself to be upon his death-bed, that he was married to Maria Countess Dowager of Waldegrave, with orders in case of his death to go immediately to England, and communicate the said marriage to his Majesty.

(Signed) CHARLES RAINSFORD.

FREDERICK Lord Bishop of Exeter doth depose upon his oath and declare, that on Sunday, March the first, one thousand seven hundred and seventy-two, he was induced to ask Lady Waldegrave, whether she was married to his Royal Highness the Duke of Gloucester? She acknowledged to the said Lord Bishop of Exeter, that she was married to his Royal Highness the Duke of Gloucester, at her house in Pall-mall, on the sixth of September, one thousand seven hundred and sixty-six, between the hours of seven and nine in the evening. But immediately upon her acknowledging her marriage she expressing great anxiety of mind, declaring she had promised his Royal Highness the Duke, never to reveal her marriage till she had his approbation for so doing; and on the twenty-fourth of the same month of March, she told the said Lord Bishop of Exeter that she was married by Mr. Morton (since deceased), whom the Bishop knew to be one of her domestic chaplains; and that there were no witnesses present.

(Signed) F. EXETER.

It appearing by the foregoing declaration of their Royal Highnesses the Duke and Duchess of Gloucester, that the clergyman who performed the marriage ceremony was deceased, and that no other person was present at the marriage; the Archbishop of Canterbury, the Lord Chancellor, and the Bishop of London, thought it adviseable to take the two foregoing depositions of Lieutenant Colonel Charles Rainsford, and of Frederick Lord Bishop of Exeter, as a confirmation of the above declarations of their Royal Highnesses the Duke and Duchess of Gloucester.

At Cumberland House.

Sunday the 23d of May, 1773.

Two in the Afternoon.

His Majesty having been pleased, by his order in Council of the twenty-first of this instant, specially to appoint the most Reverend Father in God Frederick Lord Archbishop of Canterbury, the Right Honourable Henry Lord Apsley, Lord High Chancellor of Great Britain, and the Right Reverend Father in God Richard Lord Bishop of London, forthwith to make enquiry into the legality of the marriage of his Royal Highness the Duke of Cumberland, and to certify to his Majesty in Council their opinion thereupon, together with the several proofs of the said marriage; their Lordships did this afternoon attend his Royal Highness at Cumberland house, at two o'clock; and his Royal Highness being asked several questions by their Lordships, he gave answer, and signed a declaration thereof, in

in writing, and deposed the same upon oath as followeth :

I HENRY FREDERICK, Duke of Cumberland, do solemnly declare, that I was married to the Honourable Anne Horton, widow, on the second day of October, one thousand seven hundred and seventy-one, in the afternoon, between the hours of six and eight, at her house in Hertford-street, by William Stevens, clerk, fellow of St. John's college in Cambridge, according to the rites and ceremonies of the church of England, in the presence of the Honourable Miss Elizabeth Luttrell : no other person being present.

(Signed) HENRY.

SEVERAL questions being likewise put to her Royal Highness the Dutches of Cumberland by their Lordships; she gave answer and signed a declaration thereof in writing, and deposed the same upon oath as followeth :

I ANNE, Dutches of Cumberland, do solemnly declare, that I was married to his Royal Highness Henry Frederick, Duke of Cumberland, on the second day of October, one thousand seven hundred and seventy-one, in the afternoon, between the hours of six and eight, at my house in Hertford-street, by William Stevens, clerk, fellow of St. John's college in Cambridge, according to the rites and ceremonies of the church of England in the presence of the Honourable Miss Elizabeth Luttrell : no other person being present.

(Signed) ANNE.

WILLIAM

WILLIAM STEVENS, clerk, fellow of St. John's college in Cambridge, doth depose upon his oath, that he did on the second day of October, one thousand seven hundred and seventy-one, marry his Royal Highness Henry Frederick Duke of Cumberland, to the Honourable Anne Horton, between the hours of six and eight in the afternoon, at her house in Hertford-street, according to the rites and ceremonies of the church of England, in the presence of the Honourable Miss Elizabeth Luttrell: no other person being present. And did immediately after the ceremony performed make a memorandum thereof, which was signed by all the parties, and has ever since been in his custody, and now produces the same, (Signed) WILLIAM STEVENS.

THE Honourable Elizabeth Luttrell doth upon her oath depose, that she was present on the second day of October, one thousand seven hundred and seventy-one, between the hours of six and eight in the evening, when the marriage ceremony was performed between his Royal Highness Henry Frederick, Duke of Cumberland, and the Honourable Anne Horton, at her house in Hertford-street, by Mr. Stevens, according to the rites and ceremonies of the church of England: no other person being present.

(Signed) ELIZABETH LUTTRELL.

A marriage was solemn-
 4771. nized this second day of } HENRY FREDERICK,
 October, between us, } ANNE HORTON,

By me WILLIAM STEVENS, fellow of St.
 John's college, Cambridge,

In the presence of ELIZABETH LUTTRELL.

I the

I the underwritten Stephen Cottrell, one of the clerks of his Majesty's Most Honourable Privy Council, do hereby certify that the above memorandum of the marriage of their Royal Highnesses the Duke and Duchess of Cumberland, is the memorandum produced by William Stevens, clerk (the minister who performed the office of marriage between their said Royal Highnesses) and was delivered by the said William Stevens, this 23d Day of May, 1773, as referred to in his deposition.

(Signed) STEPHEN COTTRELL. (L. S.)

At the Court of St. James's, the 26th day of
May, 1773.

P R E S E N T.

The K I N G's most Excellent MAJESTY

Archbishop of Canterbury	Viscount Clare
Lord Chancellor	Viscount Hinchinbroke
Duke of Ancafter	Lord North
Lord Chamberlain	Bishop of London
Earl of Denbigh	Lord Edgcumbe
Earl of Sandwich	Lord Hyde
Earl of Rochford	James Stuart Mackenzie, Esq;
Earl of Marchmont	Wellbore Ellis, Esq;
Earl of Dartmouth	Sir Gilbert Elliot
Earl of Bristol	Richard Rigby, Esq;
Viscount Townshend	Sir Lawrence Dundas.
Viscount Falmouth	

W H E R E A S

MARRIAGE.

Order directing the whole of the proceedings touching the enquiry into the marriages of the Dukes of Gloucester and Cumberland, to be entered in the Council-books.

WHEREAS there was this day read at the board, a report from the most Reverend Father in God Frederick Lord Archbishop of Canterbury; the Right Honourable Henry Lord Apfley, Lord Chancellor of Great Britain, and the Right Reverend Father in God Richard Lord Bishop of London, upon enquiry by them made (in pursuance of his Majesty's order in Council, bearing date the twenty-first of this instant) into the legality of the marriage of his Royal Highness the Duke of Cumberland; which report is in the words following :

“ To the KING's most excellent MAJESTY in Council.

“ In obedience to your Majesty's command, signified
 “ by your order in Council, bearing date the twenty-
 “ first of this instant, directing us forthwith to make en-
 “ quiry into the legality of the marriage of his Royal
 “ Highness the Duke of Gloucester, and to certify to
 “ your Majesty in Council our opinion thereupon, to-
 “ gether with the several proofs of the said marriage,
 “ in order that the same may be recorded in the coun-
 “ cil books; we did on the twenty-second of this in-
 “ stant attend his Royal Highness the Duke of Glou-
 “ cester, at Gloucester-House, at seven o'clock in the
 “ afternoon; and do thereupon humbly report to your
 “ Majesty, that it does appear to us by the several
 “ proofs which have been laid before us (which proofs,
 “ in pursuance of your Majesty's said order in Council,
 “ we have hereunto annexed) that a marriage was so-
 “ lemnized on the sixth day of September, one thou-
 “ sand

“ fand seven hundred and fixty-fix, between his faid
 “ Royal Highnefs William Henry Duke of Glou-
 “ cester, and Maria Countefs Dowager of Walde-
 “ grave.

“ And, in further obedience to your Majefty’s faid
 “ order in Council of the twenty-first of this instant,
 “ directing us to make the like enquiry into the le-
 “ gality of the marriage of his Royal Highnefs the
 “ Duke of Cumberland, and to certify at the fame
 “ time to your Majefty in Council our opinion there-
 “ upon, together with the feveral proofs of the faid
 “ marriage, in order that the fame may be recorded in
 “ the Council Books; we did attend his Royal
 “ Highnefs the Duke of Cumberland at Cumberland
 “ Houfe, on the twenty-third of this instant, at two
 “ o’clock in the afternoon; and do further humbly
 “ report to your Majefty, that it does appear to us,
 “ from the feveral proofs which have been laid before
 “ us (which proofs are alfo hereunto annexed), that a
 “ marriage was folemnized between his faid Royal
 “ Highnefs Henry Frederick Duke of Cumberland,
 “ and the Honourable Anne Horton Widow, on
 “ the fecond day of October, one thoufand feven
 “ hundred and feventy-one.

“ (Signed)

“ FRED. Cant.

“ APSLEY, C.

“ RIC. London.”

May 26,
 1773.

His Majefty having taken the faid Report into con-
 fideration, and the feveral declarations, depositions,
 and proofs of the faid marriages of their Royal High-
 nefses having been read in Council, was pleafed, with
 the

the advice of his Privy Council, to order that the said report of the Most Reverend Father in God Frederick Lord Archbishop of Canterbury, the Right Honourable Lord Apsey, Lord High Chancellor of Great-Britain, and the Right Reverend Father in God Richard Lord Bishop of London, together with the whole of their proceedings in making the aforesaid enquiry into the legality of the said marriages, and the several declarations, depositions, and proofs of the same, be entered and recorded in the books of the Council Office.

(Council
Book, folio
207.)

Whitehall Council Office, 27 May, 1773,
half past 12 o'clock.

S I R,

MARRIAGE. I am ordered by the Lords of the Council to transmit the inclosed packet to his Royal Highness the Duke of Gloucester; and am to desire that you will be pleased to present the same to his Royal Highness accordingly.

I have the honour to be, &c.

(Signed) STEPH. COTTRELL.

To

Lieut. Colonel Charles Rainsford,
at Gloucester House.

(folio 208.) **MEMORANDUM.** The papers contained in the above-mentioned packet to his Royal Highness the Duke of Gloucester, were a duplicate of his Majesty's order in Council, of the 21st of this Instant, directing the Archbishop of Canterbury, the Lord Chancellor,

cellor, and the Bishop of London. to make enquiry into the legality of the Marriages of their Royal Highnesses the Duke of Gloucester and the Duke of Cumberland; A copy of their Lordships' report in pursuance of their said order; A copy of the proceedings at Gloucester House and Cumberland House; and likewise a Duplicate of the foregoing order of his Majesty in Council, of the 26th of this instant, directing the whole of the said proceedings to be entered and recorded in the books of the Council Office.

Like letter with the foregoing was

MARRIAGE.
 Letter, transmitting a copy of the whole of the above proceedings to the Duke of Cumberland.

sent to Lieut. Col. Deaken at Cumberland House, with a packet for his Royal Highness the Duke of Cumberland, containing the same papers with those in the aforementioned packet to his Royal Highness the Duke of Gloucester.

A true copy from the original papers and minutes, preserved in the Council Book, Whitehall (beginning 1st Jan. 1773, and ending 29th April, 1774, indorsed Geo. III. N^o 10.), examined in the presence of his Royal Highness the Duke of Gloucester, who acknowledged the signature to his own declaration. And the Rev. Mr. Philip Duval attending at this Examination, and viewing the several signatures, did declare, that he was present and did see their Royal Highnesses the Dukes and Dutcheffes of Gloucester and Cumberland, the Bishop of Exeter, Charles Rainsford, Esq. the Rev. Mr. William Stevens, and the Honourable Miss Elizabeth Luttrell, sign the said original papers, to which their names are respectively subscribed. The

whole examined by me, and signed at the bottom of each page, with the initials of my name and office, this 10th Day of April, 1775.

(Signed)

ISAAC HEARD, Norroy.

The preceding, from page 1 to page 25, inclusively, is faithfully copied from the Register, 5 D. 14, in the College of Arms, this 22d of October, 1778, by

ERA^s. TOWNSHEND,
Rouge-Croix, in waiting.

His Royal Highness WILLIAM HENRY, Duke of GLOUCESTER.

WILLIAM HENRY, third = MARIA WALPOLE, Countess Dowager Waldegrave, relict of James W. Earl Wald. knight of the most noble order of the Garter.

Son of Frederick, late prince of Wales, and brother to his Majesty, born 14 Nov. 1743, in L. House, in the parish of St. Anne, Westminster, and baptized the 25th of the said month. Elected knight of the most noble order of the Garter, 27 May, 1762. Installed 22 September following. Created by patent, dated 19 Nov. 1764, Duke of Gloucester and Edinburgh in Great Britain; and E. of Connaught in Ireland, to him and the heirs male of his body.

Married to his Royal Highness the 6th day of Sept. 1766, at her house in Pall-mall, by the reverend Mr. Robert Mor-ton, her domestic chaplain.

1 SOPHIA MATILDA, eldest daughter, born in Gloucester House, in the parish of St. George, Hanover-square, 29 May, 1773, baptized 26 June following.

2. CAROLINA AUGUSTA MARIA, 2d daughter, born in Gloucester House aforesaid, 24th June, 1774, baptized 22d July following; died 14th March, 1775, buried 22d of the said month, in the choir of the chapel of St. George, at Windsor, in the county of Berks.

This pedigree proved before the committee of privileges in the *House of Lords*, 11th of April, 1775.

ISAAC HEARD, Norroy.

At the same time delivered into *the House* the proofs of the marriages of their Royal Highnesses the Dukes of Gloucester and Cumberland, which I examined in the presence of his Royal Highness the Duke of Gloucester, with the originals in the books of the Privy Council, Whitehall.

ISAAC HEARD, Norroy.

N° VII.

To the Gentlemen, Clergy, and Freeholders of the
County of Middlesex.

Gentlemen,

I most heartily congratulate you on the success of your steady, spirited, and generous efforts, in a cause of the first consequence to every elector in this kingdom, the cause of the right of election, so long depending between you and a former House of Commons. After many years unavailing struggles against a despotic administration, and a corrupt majority in parliament, your public virtue has, by perseverance and unremitting energy, at last brought a question of infinite moment to a final decision in favour of liberty. We have now obtained a direct and unequivocal vindication of our most essential rights, rights coeval with the *English* constitution, that perfection of human wisdom, that noblest work of man. You have the high satisfaction of observing an upright senate assert the privileges of an injured people against the encroachments of power, and decide in favour of their fair and just claim to a share in the legislature. The proceedings of this House of Commons I shall with rapture transcribe from their *Votes* *. You will, I am sure, accept of them as the only atonement which could be

* The *Votes* are printed in the former part of this volume.

made under a good government for the violation of your franchises, and the injuries of former flagitious administrations. This branch of our constitution is now restored to its original form, and established on a foundation not to be shaken. No precedent can now be drawn from the injustice and violence of arbitrary ministers. An *incapacity*, for the express purpose of defeating your declared intentions, will not be again created by a vindictive and venal majority in one part only of the legislature. A minister will not again nominate the representative for this respectable county to the great council of the nation. The man of your free choice will have the distinguished honour of representing you, and the glory is yours of having secured the same invaluable franchise to every elector in the island. Not the least trace will now remain of the various deep laid plans of fraud and violence, of subtle insinuation, alarming menace, and direct insult, to which your calm and undaunted spirit always rose superior. The historian's page will, however, record the wickedness and infamy of your enemies, the public robbers of the rights of freemen, and will hold up the steady virtue of the freeholders of *Middlesex* as an object of imitation to all future ages,

My excellent colleague Mr. *Byng* *, seconded and
sup-

* This gentleman afterwards forgot his duty to his constituents. He refused, in 1784, to present to the King, in conjunction with his colleague, the *Address* of the County of Middlesex, notwithstanding the orders of a *very large and respectable* number of the Freeholders. He was in consequence set aside by the County at the ensuing general election.

(C O P Y)

S I R S,

In pursuance of the directions of a *very large and respectable* meeting of the Freeholders held last Saturday at Hackney, we have the honour to enclose to you their
Repre-

supported my motion with the zeal, which always animates him in your service, and the cause of his country.

Give me leave, Gentlemen, to state a circumstance with respect to a business of this weight and moment, which I am sure will add to the pleasure you receive in this triumph of liberty. The victory was gained by the most honourable means, means worthy the goodness of the cause. No unfair method was taken to secure a majority, nor ministerial manœuvre practised. No letter from the Treasury, no mandate from any secretary, issued to enforce attendance. The slightest solicitation was not urged by any man in power, nor a single emissary sent on the wing to collect scattered mercenaries, troops long kept up for the worst of purposes, but now happily disbanded. Every man was left to follow the dictates of his conscience, which insured our success. The ministers gave you only the same support as individuals this year, which they have regularly since 1768, with an alacrity manifesting a settled determination to uphold and support the rights of election, which they have restored.

I am happy, Gentlemen, to acquaint you, that the appointment of a committee, to examine into the present state of the representation of the Commons of *Great Britain*, is on the eve of being moved in the House of Commons by a gentleman of as great abilities, matured even in youth, as this country has at any time

Representatives in Parliament an *Address* to his Majesty, which they direct you, Gentlemen, to present forthwith.

We are, Sirs, with great respect,

Your most obedient humble servants,

Barnard Turner, }
Thomas Skinner, } Sheriffs.

John Wilkes, Esq.
George Byng, Esq.

produced.

produced. You long ago suggested the idea of the propriety of such a measure, and in pursuance of your instructions I had the honour, in *March 1776*, of moving the House of Commons for leave to bring in a *Bill for a just and equal representation of the people of England in parliament*, but without success. The solemn engagement between us in 1774, at a numerous county meeting, in relation to this and other essential objects, I have never lost sight of, and shall ever hold sacred. Some of the more important particulars of that engagement, respecting the fair and equal representation of the people in the House of Commons, and the shortening the duration of parliaments, are among the grand objects, the striking features, of the intended enquiry. You will always find me, Gentlemen, uniformly pursuing the noble plan of liberty, which you early marked out for my conduct, and above all endeavouring to inforce the clear right of the people to the free and frequent choice of their representatives.

I am, Gentlemen,

With much respect and gratitude,

Your faithful, and obedient humble servant,

J O H N W I L K E S.

Prince's-Court, Westminster.

Monday, May 6, 1782.

N° VIII.

February 28, 1784.

Mr. Chamberlain *Wilkes* administered at Grocers-Hall to Mr. *Pitt* the oath usually taken by all persons admitted to the Freedom of the City of *London*, after which he added :

S I R,

I give you joy *, and I congratulate the City of *London* on the important acquisition it has this day made. I reckon it, Sir, among the most fortunate events of my life, that I have the honour of being directed by the unanimous resolution of the Lord Mayor, Aldermen, and Common-Council, to enroll your name in the Archives of this Metropolis among those Princes and Heroes who have been the benefactors of our Country, and the friends of Mankind, with the glorious Deliverer of this Nation, with the Hero of Culloden, with the illustrious Statesman from whom you derive your descent. The City of *London*, Sir, with pride and exultation, now behold revived in the Son those solid Virtues, those shining Talents, and powerful Eloquence, which they long admired in the Fa-

* After the oath is administered, by the custom of London, the Chamberlain gives the new Citizen the *right hand of fellowship*, that is, takes his *right hand*, and says, *Sir, I give you joy.*

ther; but above all that generous Love of our Country, and its divine Constitution, superior to the groveling, sordid views of private self-interest, or personal ambition. You have, Sir, thus early in your Ministerial Career commanded the esteem and admiration of this City and Nation; by a noble Act of Disinterestedness in favour of the public, for which I believe you scarcely could find a precedent, nor I fear will you be imitated by any future Minister.

We look up, Sir, to that superior ability, and purity of Public Virtue, which distinguish you, for the reformation of many abuses, as well as the steady protection of our Chartered Rights, Property and Freedom. The Administration of your Noble Father gave us security at Home, carried the Glory of this Nation to the utmost Height Abroad, and extended the bounds of the Empire to Countries where the Roman Eagle never flew. A late Administration undertook an unjust and wicked War, which dismembered the Empire by depriving us of our most valuable Colonies, and has almost brought us to the brink of Bankruptcy. To restore this kingdom to any degree of prosperity and greatness, demands the utmost exertions of Virtue and Ability, with every support both of the Crown and People at large. I hope you will meet with both, and I know how high you stand in the Confidence of the Public. Much is to be done; but you have Youth*, Capacity, and Firmness. It is the characteristic of a true Patriot, never to despair; and we have a well-grounded hope of your making us again a great, powerful, happy, and united People, by a steady,

* *Adolescens gravis senili judicio.* Cic. pro P. Sextio.

uniform, wise, and disinterested conduct. Your Noble Father, Sir, annihilated Party ; and I hope you will in the end beat down and conquer the Hydra of Faction, which now rears its hundred heads against you. I remember his saying, that *for the good of the People he dared to look the proudest connections of this Country in the Face*. I trust that the same spirit animates his Son, and as he has the same Support of the Crown and the People, I am firmly persuaded that the same Success will follow.

Mr. P I T T ' s A N S W E R

T O

Mr. CHAMBERLAIN W I L K E S.

S I R,

I beg to return you my best Thanks for your very obliging Expressions. Nothing can be more encouraging to me, in the discharge of my Public Duty, than the countenance of those, whom, from this Day, I may have the honour of calling my Fellow-Citizens.

T H E E N D.

MR. WILKES'S SPEECH

ON THE

IMPEACHMENT

OF

WARREN HASTINGS Esq.

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VOTES of the House of Commons. Page 615.

Mercurii, 9^o die Maii, 1787.

The order of the day being read for taking into further consideration the [*first*] *Report* which was made from the Committee, to whom it was referred, to prepare Articles of Impeachment against *Warren Hastings* Esquire, late Governor General of Bengal,

Resolved,

That the said Articles of Impeachment be *now* read a second time, article by article.

Lord *Hood* opposed the second reading of the *Report*. After which,

Mr. *Wilkes* said,

Mr. Speaker,

I Am very happy to hear the firm negative of the noble Lord to the *second* reading of what is called the *first Report* of the Committee. I rise to give every support in my power to his Lordship's proposition, for upon

the most careful investigation of this *Report*, I do not hesitate to assert that it is built on a false and rotten foundation. The *Articles* stated in the *Report* are in manifest and direct contradiction to the documents, and all the evidence, on the table of the House. Mr. Hastings is charged by the *Report* in express terms, *with not regarding the sacred obligation of his oath, nor the important duties of the high offices to which he was appointed, but entertaining base and corrupt views of procuring for himself and his dependants exorbitant wealth, &c. by many unjustifiable acts by him done and committed, whilst he was President and Governor General of Bengal, by various unwarrantable and criminal practices, faithlessly, illegally, and tyrannically violate the duties of his station, by each and all of which practices the welfare of the East India Company has materially suffered, the happiness of the native inhabitants of India been deeply affected, their confidence in English faith and lenity shaken and impaired, and the honour of the crown, and character of this nation, as far as in him lay, wantonly and wickedly degraded.*

These are indeed, Sir, heavy and atrocious charges, and therefore ought not to have been brought forward without the fullest, and most incontrovertible evidence. I shall proceed to prove, that the whole is unfounded, mere rant and declamation, of which the papers, which have been read by the clerk, give a clear and irrefragable proof. I will not fatigue the House with voluminous extracts from the many folio volumes now on our table; but content myself with the unexceptionable evidence of the late Governor General of Bengal, Sir John Macpherson, so late as the 10th of August 1786, and the records of the East India Company.

Sir

Sir John Macpherson in a letter to the Court of Directors, dated from Calcutta the 10th of August 1786, says, *The condition in which Earl Cornwallis will receive the government of India, is creditable to the Company, and cannot but be satisfactory to the Nation. The native inhabitants of this kingdom are, I believe, the happiest and best protected subjects in India; our native Allies and Tributaries are satisfied, and confide in our protection; the Country Powers are emulously aspiring to the friendship of the English; and from the King of Tidore, towards New Guinea, to Timur Shaw, on the banks of the Indus, there is not a State that has not LATELY given us proofs of confidence and respect.* With what pride and exultation will an Englishman contemplate, and dwell upon, this pleasing picture of the happiness of the inhabitants of India, a picture drawn on the spot the last autumn? With what a mixture of horror and indignation will he turn away from a false, coarse, and wretched daubing made at home by a Westminster Committee, and heightened with all the gloomy and frightful colours of misery and despair, instead of the scenes of cheerfulness, which nature in reality presents?

Two or three more quotations of no considerable length I beg leave to submit to the House. The Report states, *That the welfare of the East India Company has materially suffered by the various unwarrantable and criminal practices of Mr. Hastings.* Now, Sir, the most natural judge to decide this question must be the *East India Company*. Let us examine *their* sentiments, whether *they* think that *they* have *materially suffered*, or been *highly benefited* under the government of

Mr. Hastings. I desire, Sir, to read the unanimous Resolution of the 28th of June 1785.

Resolved unanimously,

That the Chairman be directed in the name of the Court to congratulate Governor Hastings on his safe arrival, and to return him the thanks of this Court for the long, faithful, and able services he has rendered to the Company. There was but one opinion at that time among his constituents of the merits of the late Governor General; and the above honourable testimony was given to Mr. Hastings after he had closed the long glories of his government, for he sailed from Bengal in the Barrington on the 7th of February 1785.

The two preceding years had borne the like grateful evidence to the services of Mr. Hastings.

The General Court of Proprietors on the 7th of November 1783, came to the following Resolution.

Resolved,

That it is the opinion of this Court, that Warren Hastings Esquire, Governor General of Bengal, and the other Members of the Supreme Council, have displayed uncommon zeal, ability, and exertion in the management of the affairs of the East India Company, during the late hostilities in India, particularly in finding resources for supporting the war in the Carnatic under so many pressing difficulties, when that country was in danger of being lost, through the successful irruption of Hyder Ally Cawn, AIDED BY THE POWERFUL ASSISTANCE OF THE FRENCH; and also in concluding the late Treaty of Peace with the Marattas at a
period

period so critical, and on terms so honourable and advantageous to the permanent interests of the Company.

Resolved,

Therefore that the thanks of this Court be given to Warren Hastings, Governor General, and the other Members of the Supreme Council, for the above specified great and distinguished services, and further, that this Court doth request the said Warren Hastings Esq; Governor General not to resign the station he now holds until the tranquillity of our possessions in India shall be restored, and the arrangements necessary upon the re-establishment of Peace shall have taken place.

The last quotation I beg the House to indulge me with reading, is that of the 28th of October, 1784.

Resolved unanimously,

That as peace and tranquillity are now perfectly established throughout India, and this court being sensible that this happy event has been principally owing to the very able and spirited exertions of our Governor General and of our Supreme Council, that the thanks of this Court be conveyed to Warren Hastings Esquire, for his firm, unwearied, and successful endeavours in procuring the late Peace with the several powers in India.

I now, Sir, leave the Committee to the management of this new *Indian* war, which they have declared against a powerful confederacy, in perfect harmony and unanimity among themselves. The manifesto of our Committee states, that *the welfare of the East India Company*
has

has materially suffered by the practices of Mr. Hastings. The East India Company publish to the world, and consign it on their records to posterity, that Mr. Hastings has rendered them *long, able, great, distinguished, and faithful services*, and concluded a Treaty of Peace on terms *honourable and advantageous to their permanent interests*. Mankind in general, Sir, I believe, will have little difficulty in determining that a great body of merchants must understand, and consult, their own *permanent interests*, rather better than any Committee of this House not quite so deeply interested in the event.

From the papers which I have taken the liberty of reading to the House, I now claim the right of asserting, that the charges against Mr. Hastings in this *first Report*, have received a satisfactory and compleat answer. Instead therefore of their obtaining the sanction of our approbation, truth and justice call upon us to reject them as cruel calumnies against a gentleman, who has deserved highly of his country, as a rude and base attempt to tear the well-earned laurels from his brow. Sir Eyre Coote and Sir Edward Hughes were honoured with the thanks of this House for particular services in the East during the late war. They both attributed their success in a great measure to the wisdom and vigour of the councils of the Governor General of Bengal. It is, Sir, a reproach to this House, that for those, and many other greater services, Mr. Hastings still remains *unthanked* here, although the applause of his constituents, and the people at large, have in a liberal manner given that fame which a faction among us deny.

Sir, as an Englishman, I avow my gratitude to Mr. Hastings, for I think him a distinguished benefactor of
this

this nation. During the late inglorious war, we fully triumphed no where but in the East, under his happy auspices. *There* the perfidy of the French, and the treachery of the Dutch, were most exemplarily chastised. He preserved entire all our Asiatic provinces, and left unimpaired the extensive empire, which he governed. His conquests over our enemies comprehended every French and Dutch settlement, except *Cuddalore*, which was saved only by the Peace. It is without a precedent that so important conquests were made at no expence to the mother Country. Lord Clive had frequent and large remittances from England, to the amount of some hundred thousand pounds. Without these he could not have carried on the wars, in which he was engaged. No complaint has been made of the danger of our being impoverished, or exhausted, by Mr. Hastings's Indian wars. The wonderful resources of his mind made the war support itself. The expences of it were borne by our enemies, by the traitors and rebels in our own provinces, or by ambitious neighbours, who had leagued together for our destruction, I might say *extirpation*.

Sir, the various overt acts of sedition and rebellion in *Chey Sing*, and the *Begums*, are recorded at large in the volumes on our table. Their rooted hatred to the English is fully established. I believe that I shall not be contradicted, when I maintain that all property of every kind, *jaghires*, grants, revenues, and life itself, are forfeited to the state by delinquencies of this atrocious nature. The largeness therefore, or smallness, of a fine in such a case must be out of the question, nor can there be any pretence to complain of grievous penalties,

penalties, or exorbitant exactions, when the whole is confiscated. Whatever is left to the culpable party must proceed from mercy and compassion, all possessions and treasures of every sort being forfeited. Every wise government, with equal policy and justice, will apply to the preservation of the state what was destined for its ruin and annihilation. On these great principles of sound legislation Mr. Hastings appears to have acted. He well knew the treachery and deep dissimulation of the *Begums*. I have heard indeed, Sir, of one British Officer's life being saved by them, a captain Gordon. No mention is made of the many officers and soldiers sacrificed in the tumults and rebellion, which they excited. I do not exactly know on what account the captain was spared. Much stress is laid on the circumstance, but the instance only proves that the *Begums* had usurped the government of a country, in which they were only subjects. A solitary act of mercy is pleaded with an ill grace, and deserves little weight, against very many instances of cruelty. The rebels it is plain paid obedience to the *Begums*, whose usurped power at that time was supreme.

Much ridicule has been thrown on the number of *affidavits* taken in India on occasion of the late insurrections, revolts, and rebellions. The case is not clearly understood, nor the intention explained. The critical and dangerous situation of our government called for immediate and vigorous exertions. Our provinces and dominions were secured by instant spirit and courage, without which all had been lost. Every person on the spot was convinced of the rebellious practices of many natives of high rank and power, and of the urgency of our situation. Prudence afterwards dictated the

the measure of giving all the minutiae of legal proof to those concerned in the affairs of the East Company at home, at the distance of 4000 leagues from the scene of action, to whom many particulars of moment and magnitude were unknown. It became almost necessary for the satisfaction of some men of strict form, and minute detail, who canvass enlarged plans of government, and the comprehensive system of empires, in the rigid mode they do causes of petty larceny. They arraign the Saviour of an empire on the narrow principles and with the little chicanery of the Old Bailey. Happily for this country, the decisive moment of action was not lost by an idle attention to trifling forms. Sir, when the English under our immortal Henry V. landed in France, the year of the battle of *Agincourt*, there was a President of the Parliament of Paris, who has been consigned to eternal ridicule, a Monsieur *Louvet*, *grand personnage, au maintien grave, et qu'on eût pris pour sage*. He remonstrated in all the forms against the French troops marching, till there was an *Arrêt de Parlement* against the English Monarch and his army, signed by the *Greffier en chef* in the name of all the *Chambres*. Mr. *Hastings* appears to understand business rather better than Monsieur *Louvet*, and to have despised mere forms and cold caution, when the moment of important action arrived, which he carefully watched. The success, which followed, was adequate to the wisdom and courage of all the measures of a great statesman. The family of Monsieur *Louvet* I suspect emigrated to England, and made a cross breed with those, who, strictly observing all forms of *Votes, Resolutions, and Acts of Parliament*, lost thirteen provinces in America, with Minorca, yet dare to persecute the Saviour of India,

Sir, I am likewise ready to admit, that Mr. Hastings has sometimes gone beyond the strict letter of the powers, with which he was intrusted ; but I add a proviso, that he has always been warranted by the emergency of the occasion, and the general instructions under which he acted, and that in no instance has he been actuated by corrupt or selfish motives. He never lost sight of the *General Instructions* from his constituents of the 29th of March, 1774, *that in all your deliberations and resolutions you make the safety and prosperity of Bengal your principal object—and fix your attention on the security of the possessions and revenues of the Company.* To these important objects his strong and manly genius has sometimes sacrificed the dead letter, with all the tedious and embarrassing forms of the lower courts of law, perhaps even exceeded the usual powers of a Governor General.

Let us advert, Sir, to what passed in our own country in 1766. The capital was threatened with famine, for the stock of *corn* in hand was inconsiderable, and the harvest had failed with us, as well as in most parts of Europe. The exportation began to increase beyond the example of all former years, and commissions for the purchase of *wheat* from abroad had been received to an unusual amount. The necessities of the poor were become urgent and alarming. In this emergency Government acted wisely, and according to the spirit of the constitution, although directly against law. An *embargo* was laid on all ships in the ports of Great Britain laden with *wheat* or *wheat flower*. The people were fed, and the country rescued from the dreadful calamity of famine, which in many parts had been severely experienced. The ministers stood forth in a
manly

manly way at their own risk, and trusted to their country for indemnity. They obtained it to the fullest extent from a grateful senate, as soon as Parliament met. The law was plain and positive, but the breach of it became meritorious from the necessity of the case, for the salvation of the state. In such arduous circumstances has the late Governor General been, and to similar exertions do we owe the preservation of our Indian empire.

This House, Sir, have made a compleat apology for Mr. Hastings's having in time of war and rebellion gone perhaps beyond the letter of his powers and instructions. In this very Session, although in a piping time of peace, we have wisely armed Lord Cornwallis, the new Governor, with more enlarged powers, better calculated for all emergencies of moment, and for so extensive, so distant an empire. I do not hold, Sir, *silent leges inter arma*; but extraordinary powers may be necessary for the safety of an endangered and convulsed state, like extraordinary remedies in dangerous and desperate diseases. A man, who could hesitate about any act necessary for the safety of his country, would be unworthy of a high trust. An empire might be lost by his incapacity and poltroonery. *Salus populi suprema lex* ought to be the first maxim of every statesman. Many cases of difficulty cannot be foreseen. In the field were numerous hosts of enemies. In the councils at home Mr. Hastings was harrassed by interested rivals, of great art, subtlety, and chicane, although of a trifling, narrow, mean, and flimty genius. It was his fate to have his wisest and most generous plans of prosperity for a great empire thwarted by paltry, puny politicians. The single question is, and that truly momentous, was not the evident tendency of all the actions of the late Governor General, the security,

curity, the honour, the glory of the British Indian empire? We may cavil here, and struggle hard against truth, but our neighbours have long ago decided in favour of Mr. Hastings, in a manner becoming intelligent, just, and generous enemies *.

Sir,

* It may be amusing to observe in what manner the heroes of this scene, *Mr. Hastings, Mr. Burke, Mr. Fox, and Mr. Francis*, pass in review before our polite neighbours on the other side the channel. The following extracts are from the *Mercur de France*.

5 Fevrier, 1785.

Courage personnel, élévation d'ame, fermeté, dextérité, génie, discernement solide, esprit de detail joint à celui des grandes combinaisons politiques; toutes les qualités dispersées dans vingt Administrateurs différens, se réunissent pour former la capacité particulière et le talent de *M. Hastings*.

11 Mars, 1786.

Les apostrophes de *M. Burke* contre un homme, sans lequel il ne resteroit probablement pas un pouce de terre à l'Angleterre dans l'Indostan.

Mai 27, 1786.

M. Burke, semblable à l'Hydre de Lerne, reproduit sans cesse de nouvelles charges contre *M. Hastings*, en sorte qu'il est difficile de savoir quand il s'arrêtera. Pour suivre donc ce cours de ses lamentations Indiennes, il a mis en scène dans la séance des Communes, le 5 de ce mois, le Chef actuel des Rohillas, qui cette fois ci n'est ni *trabé*, ni *exposé en vente*, ni *égorgé*, mais seulement *molesté*, par *M. Hastings*. Cet illustre Accusé n'a eu que vingt quatre heures pour répondre à cette nouvelle diatribe juridique, et il l'a fait en remettant à la Chambre une Copie de sa défense que la fatigue du travail de la nuit ne lui permit pas de lire. Nous n'avons pas cru devoir traiter sérieusement cette chaîne de persécutions, commencées par la haine du parti, poursuivies par l'amour propre, et par la vanité de bel esprit. Il seroit même à souhaiter que les Feuilles publiques ne se bornassent pas à transcrire les invectives de l'opposition, à citer des accusations comme des délits avérés, et des faits inventés ou défigurés comme l'histoire réelle de ce qui s'est passé dans l'Inde, sous le ministère de *M. Hastings*.

July 1, 1786.

M. Burke ayant laissé à *M. Fox* le soin d'introduire et d'établir la motion, ce dernier Membre le fit, selon sa coutume, avec beaucoup d'éloquence et d'animosité, beaucoup d'exagérations et d'argumens plausibles.

24 Fevrier, 1787.

Quoiqu'il en soit, ce n'est pas un événement ordinaire, que celui d'un pareil procès fait contre le seul Anglois, qui, dans la dernière guerre, ait sauvé les possessions commises à ses soins, et attaquées de toutes parts. Une dette accrue de 100 millions sterling n'avoit conservé à l'Angleterre, ni l'Amerique, ni quelqu'

unes

Sir, on every great question of history, policy, or legislation, we are doomed to hear comparisons drawn from the republicks of Greece and Italy, and applied to the English monarchy. The late *Governor General of Bengal* has been frequently, by a right honourable gentleman, compared to the *Roman Prætor of Sicily, Verres*. The fairness of the comparison has not, I believe, been so much thought of, as an indirect and sly compliment to the original accuser among us. He imagined that an association of ideas would naturally lead the mind to the Prince of Roman Orators, to *Cicero*, our prototype, the accuser of *Verres*. I do not quite

unes de ses Isles, ni le Sénégal, ni Minorque. Dans l'Inde, elle avoit à combattre les François, les Hollandois, les Marattes, Hyder-Aly, et d'autres; et la récompense de celui dont le zèle, l'activité et le courage rendirent inutile cette combinaison de dangers, est un *impeachment*.

24 Mars, 1787,

Il s'agissoit de déterminer si M. Hastings avoit eu tort ou raison de laisser opprimer le Nabab de Farruckabad par le Nabab d'Oude, et de tirer de celui-ci 100,000 liv. sterling, pour cet acte d'indulgence. Le cas fut rapporté, expliqué, grossi, atténué, commenté d'une manière absolument contradictoire; et il est aisé de comprendre qu'un événement dont les motifs et le caractère seroient à peine saisissables sur les lieux par d'excellens observateurs, doit devenir pour le moins très obscur lorsqu'il s'agit de juger sur les bords de la Tamise ce qui s'est passé à Farruckabad.

21 April, 1787.

Ces formules constituent ce que l'on appelle un *Comité secret*, (a Committee of Secrecy.) Celui ci est composé de vingt Membres, tous de l'opposition. M. M. Pitt, Dundas, Grenville, out refusé d'y prendre place. On délibéra sur la convenance d'y admettre *M. Francis, ennemi personnel et furieux de M. Hastings*; et sa nomination fut confirmée à la pluralité de quelques voix.

5 Mai, 1787.

Le 18 April, *M. Francis* produisit une nouvelle charge contre M. Hastings, relative à l'usurpation de zéminderats dans le Bengal. La moitié du discours de l'orateur roula sur ses affaires personnelles et sur l'histoire de ses inimitiés avec M. Hastings. Il apprit à la Chambre que, lorsque lui, *M. Francis*, avoit été envoyé comme Membre du Conseil à Calcutta, il avoit la plus haute estime pour l'Accusé; mais que cet Accusé ayant différé d'opinion avec lui, il s'ensuivoit l'impossibilité qu'il ne fut pas un déprédateur, un brouillon, un scélérat, puisque lui étoit un parfait hon-

quite comprehend the justness of the comparison. In the *impeachment* of *Verres*, every city, town, and village of *Sicily*, except *Syracuse* and *Messana*, as well as numerous public bodies, concurred. The *impeachment* of the late Governor General of Bengal has been announced to the public above four years. Where, Sir, are the Petitions to this House against him from a single town, or village, or the most inconsiderable body of men, or even an individual in all Asia? If *he has been loaded for years with the execrations of the natives*, as was asserted in the spirit of rancour, not of truth, why has not a single person, in the space of more than two years and a quarter, since the total extinction of his power, complained to this House? With what pomp, with what an air of insolent triumph would such Petitions have been offered to you, Sir? What tedious, elaborate comments should we have suffered on every word in them? You would have been left almost to a *solo* in that chair. If *Mr. Hastings be the most notorious delinquent India ever saw*, how has it happened that no one suffering inhabitant

nête homme. Il ajouta qu'en effet il s'étoit battu en duel avec l'homme qu'il poursuivoit; mais qu'on étoit le meilleur ami de celui avec qui l'on se battoit lorsque le combat n'avoit pour objet ni une maitresse, ni une rivalité décidée; que par conséquent, puisque la seule guerre des Marattes avoit armé son bras contre M. Hastings, un si noble sujet de querelle étouffoit toute idée de ressentiment, postérieur à l'instant où elle avoit été vidée; qu' enfin, ayant été blessé et rendu à la vie par son antagoniste, il n'avoit pas cru pouvoir mieux lui témoigner sa reconnaissance, et, sur-tout, le feu de son patriotisme, qu'en le harcelant d'altercations, d'accusations, de libelles, et d'intrigues pendant six ans. Toute extraordinaire que cette conduite pouvoit paroître, la Chambre n'y verroit que mieux la pureté de ses intentions, la vérité son zèle, et la vertu d'un homme public. Il est vrai qu'on l'avoit accusé de n'avoir tracassé et calomnié M. Hastings au Bengal et en Angleterre, que par désespoir de n'avoir pu lui arracher sa place, d'avoir manqué le projet de lui succéder, de s'être fait expulser de la direction de la Compagnie des Indes; mais son caractère étoit au-dessus de pareils soupçons; et l'on savoit bien qu'il n'étoit pas homme à se laisser entraîner par de semblables motifs.

of India has preferred a single complaint against so long protracted a tyrannical administration? What *talismans* has Mr. Hastings employed? Has he fascinated *all the ancient and venerable priesthood, all the nobility of great antiquity and renown, all the multitude of cities, not exceeded in population and trade by those of the first class in Europe, all the merchants and bankers, all the millions of manufacturers, and mechanicks, all the millions of the tillers of the earth?* Mr. Hastings must certainly be the greatest forcerer, who has ever appeared, beyond all the fabled magicians and necromancers of antiquity. He must be our English *Merlin* revived with superior powers. He must have practised with the most wondrous charms and philtres. What spells, what magic arts, what enchantments, have been so potent, so universal? I cannot trace out in all the folios before us a single line of complaint to the right honourable accuser from the poor *Begums*, although such a correspondence would have been more valued than with any Princess in Europe. He would tenderly have echoed all their sighs and groans, pitied their hideous outcries, added his own *jérémiades*, and deplored their wretched fate, *fallen, fallen, fallen*, instead of rejoicing, as all India did, at the punishment of their seditious and rebellious practices.

The fact, Sir, is, that no man was ever more beloved throughout Indostan than Mr. Hastings. His departure was lamented by all the natives and Europeans as a general calamity. They gave him every public and private testimony of affection and esteem as their common father and friend. The *voluntary tribute* of tears was paid him by a whole people. It was re-

served for a faction and party * in this House, and in this *annus mirabilis*, to hold us out to the ridicule of mankind, by this parliamentary inquisition, this persecution of exalted merit by an *impeachment*.

But, Sir, if we must of necessity find a comparison of these proceedings among the *Romans*, I shall bring forward that of *Scipio*. He too was *impeached* by a despicable faction, envious of his glory, not emulous of the great actions by which it had been acquired. On the day of the accusation, he with sovereign contempt left his accusers and revilers in the *Forum*, and marched, followed by all the people, to the capitol, to the temple of *Jupiter*, to return thanks to the immortal Gods for his successes over the enemies of *Rome*, and to pray for more friends to his country, equally faithful and fortunate as himself. With the same honest zeal for my native country, I will pray heaven, Sir, to continue to bless England with such men as *Rodney* and *Hastings*.

Much has been said, Sir, about the accepting of *presents* by Mr. Hastings, in direct violation of the Act of Parliament. The fact is admitted, but let us examine the law. By the "Act for establishing certain Regulations for the better management of the Affairs of the
" *East India Company*, as well in *India* as in *Europe*, &c." the 13th of the King, ch. 63, s. 23. which passed in 1773, it is enacted, that "No Governor General, or
" &c. shall directly or indirectly by themselves, or by
" any other person or persons for his or their use, or on
" his or their behalf, accept, receive, or take, of or from

* Notwithstanding this, and some other strong symptoms, I hope that the reign of party is nearly at an end. Mr. Francis assured us in his Speech of July 2, 1784, page 16. *I am not a party man in this, or any other question*, and his conduct ever since has shewn how well founded was that assertion. Mr. Francis then not being a party-man, there can be no party-man left in the House of Commons.

" any

“ any person or persons, in any manner, or on any ac-
 “ count whatsoever, any present, gift, donation, gra-
 “ tuity, or reward, pecuniary or otherwise; or any
 “ promise or engagement for any present, gift, dona-
 “ tion, gratuity, or reward, &c.” This, Sir, is the
 Act by which Mr. Hastings was first appointed Gover-
 nor General of Bengal. Now, Sir, I ask, where is the
 proof that Mr. Hastings has violated this law in a single
 instance? Has he taken *for his use, or on his behalf*, any
 present, gift, donation, gratuity, or reward? Let the evi-
 dence be produced. It is true that various *presents* were at
 different times received by him, and in particular
 £ 100,000 from the Nabob of *Oude*; but it is equally
 true that they were always carried to the account of the
East India Company, and actually formed a regular head
 of revenue after the Act took place. A second Act the 24th
 of the King, ch. 25. s. 45. which declared “ *that the*
 “ *receiving presents for the use of the East India Company*
 “ *shall be deemed and taken to be extortion,*” did not take
 place till Jan. 1, 1785, the month before Mr. Hastings
 embarked for Europe. The last mentioned sum of
 £ 100,000 was specifically entered as a *present*. These
 gifts and presents were afterwards issued for the pay of
 the army. Without these, and other extraordinary aids,
 the army had disbanded, perhaps massacred their em-
 ployers, but the Indian empire would certainly have
 mouldered away. The offering of *presents* is thought in
 the East a necessary preliminary in all negotiations be-
 tween a higher power and an inferior, or dependant. If the
present is not accepted, the suit is understood to be rejected.

It has been asserted, Sir, that during the late contests
 in India, many, various, and shocking cruelties were
 committed by the British troops, during the government
 of

of Mr. Hastings, if not by his orders, at least not without his knowledge. These vague assertions have not been corroborated by the slightest evidence. No such stain has at any time been fixed on our Officers and soldiers. Their humanity, and generous feelings for an enemy, have ever been celebrated in grateful strains. It is a fine feature in our national character. I do not mean to extend this praise to every *sepooy* in our pay. The *sepoys* of Asia may possibly be at times as ungovernable, as brutal, as merciless, as the Croats and Pandours of Europe; but no single instance of cruelty has been brought home against any European in our service, nor any evidence offered to the House, which can warrant the imputation on any of the troops in our employ *.

* In a late Publication, intituled, "An historical relation of the Origin, Progress, and final Dissolution of the Government of the *Robilla Afgans* in the Northern Provinces of Hindostan," by Charles Hamilton Esq; an Officer in the service of the Honourable East India Company on the *Bengal* establishment, is the following excellent passage.

"Of all the events which have been made use of for the purposes of crimination against the servants of the East India Company, none have made a greater figure either in the national proceedings, or in the perishable publications of the day, than the *Robilla* war, and various efforts have been made to paint both the conduct and the consequences of it in the most horrible colours.

"When, in the perusal of history, we read of *whole nations* being *extirpated* by the Goths, or *rooted out* by the Vandals, we picture to ourselves a country invaded by a band of fierce and savage conquerors, who pursue the hapless inhabitants with indiscriminate massacre, carry off the few they spare from the sword into perpetual captivity, and proceed in their destructive career, until the whole territory exhibits nothing but a dreary, silent waste!

"Similar to this is the opinion which (from the force and extent of the expressions that have been applied to it) has been, by many, conceived of the conquest of *Robilkund*.

"God forbid that *British troops* should ever be employed in acts of such detestable atrocity—With respect to those in particular who effected that resolution, it may with confidence be affirmed, that, however high their sense of subordination, however ready at all times to obey the most perilous orders of their superiors, had such a service been allotted to them, they would have turned from it with abhorrence."

Preface, p. 12.

Sir,

Sir, I was very happy last monday to be in my place, when a right honourable gentleman, one of the *Commissioners for the affairs of India*, opened his *Indian budget*. I heard with great satisfaction his just, perspicuous, and accurate account of the prosperous state of the *East India Company*, both at home and abroad. His facts were founded; his reasoning strong and masterly. It was a compleat answer to all we heard two years ago from a gentleman * near me, against *the temporary support of a trading Company, whose affairs he was PERFECTLY SURE, would be found on examination, so compleatly and irretrievably ruined, as to be beyond the reach of any effectual relief, and that we could not, by any efforts this nation could make, prevent the ruin of the Company.*

I rejoice, Sir, at the present flourishing state of our affairs in the East, so truly given by the right honourable gentleman; but I desire to remind him, that to the uncommon abilities of Mr. Hastings he owes the scene, *where he may triumph*, and that in spite of all the rivals of Mr. Hastings's power, he will acknowledge with me that the late Governor General of Bengal could *alone* have preserved *India*. I cannot entirely join in his expression that *India* is the *brightest* jewel in our crown. It is undoubtedly a very fine jewel, of great splendour and

* In the introductory part of a Speech in the House of Commons on July 2, 1784, published by Philip Francis Esq; it is said, page 11. "Mr. Burke earnestly conjured the House (*June 16, 1784*) to be very cautious how they consented to give away the property of their constituents, for the temporary support of a trading Company, whose affairs, *he was perfectly sure, would be found on examination, so compleatly and irretrievably ruined, as to be beyond the reach of any effectual relief;—that* by giving it to the India Company, they could only protract the period, but could not, by any efforts this nation could make, prevent the ruin of the company."

The *Coalition* in January 1784, sunk Indian Stock to 118. Mr. Pitt raised it to 171 in May 1787. The *Proprietors* cannot be at a loss to decide who are their best friends.

brilliancy, but surely not the *brighest* jewel in the *triple crown*, which our monarch wears. It may indeed equal in value all the jewels in the diadem of one of his three kingdoms, for it is certainly of high intrinsic worth. What acknowledgements therefore are due to the man, who preserved such a jewel in the crown, must be left to the gratitude of his country, and of the Sovereign, who wears the Crown.

The House, Sir, will naturally conclude from all the reasoning I have used, and the facts stated, that I shall never plead the pitiful and false doctrine of a *set-off*, of which so much has been said. The doctrine of great merits balancing great crimes can never be admitted in a judicial process. In the present case it is entirely inapplicable. I stand aloof, and for my part reject it with disdain. I think that services of so important a nature deserve rewards and honours. I maintain that there is no proof before us of Mr. Hastings's guilt, but ample evidence of his incessant labours for his country, of his signal services, and merited success. Justice, policy, honour, gratitude, plead then strongly with us, surely not to *impeach*, but to distinguish and reward national merit in our countryman.

I regret, Sir, that the constitutional word, *impeachment*, should now be prostituted to the purposes of party and faction. The word *coalition* is scarcely become more hackneyed, more odious. We have been amused with flowery harangues on no less than three threatened *impeachments*. The *first* occupied our attention for several years. It was the watch-word of the present accuser of Mr. Hastings. He made the walls of this House reverberate the sound—till a little before he joined
the

the noble Lord in the blue ribband. He declared that the *Articles of Impeachment* against that noble Lord were ready drawn, and in his pocket. They have slept there ever since. The grounds of those *Articles* were not trifling. The noble Lord was accused of the loss of half our empire, and of the foulest corruption. Those crimes, he said, were *only to be expiated on the public scaffold*, to which it was certain, that the *tribunal of Justice* would doom the noble Lord. The noble Lord, and the right honourable gentleman, now join hands in high good humour in the *coalition* dance.

The *second impeachment* was declared against the brave and fortunate *Rodney*, on the persuasive eloquence of some Dutch Jews, whose evidence met with implicit faith on a variety of accounts. The Admiral had been recalled in the very first month of the new administration, almost in the hour of victory. We have heard no more of that *impeachment*, but our grateful countrymen are loud in the applause of the courage and conduct of the English hero, who captured three foreign admirals, and took sixteen sail of the line from the enemy.

The present *impeachment* is in my idea almost as ridiculous, but I remember an observation of the present accuser of Mr. Hastings, which appears to me perfectly just, that *obloquy is a necessary ingredient in the composition of all true glory*.

Sir, I trust that the day of delusion is past. I have been dazzled with the brilliant eloquence, and captivated with the beauty and variety of an honourable gentleman's wit on the fourth charge, lamenting at the same time the indecent rancour, and coarse abuse, of se-

veral expressions *. But, Sir, he trusted entirely to the rich stores of a luxuriant imagination, and chose to indulge in all its happy sallies. The warmth of his glowing colours was more to be admired than the truth of his outline. He never condescended to reason closely, nor concerned himself about any grave argument, or dull matter of fact. Every auditor was highly amused: no man was convinced. I waited with no small impatience, but in vain, for a detail of clear well-established facts, for the evidence of historical truth, supported by unexceptionable witnesses. No such appeal was made; the sole reliance was on the seducing arts of a powerful meretricious eloquence, which was, as it generally is, too successful.

Sir, from the evidence on our table it has been demonstrated, that this *first Report* is totally unfounded. I therefore give my hearty negative to its being *now* read a second time. I wish, Sir, we were fairly rid of this disgraceful business, which, if pursued, will cover

* Mr. Sheridan often lost sight of the respect, which every Member owes to the English senate, as well as to his own character. He brought a *railing accusation* against Mr. Hastings, called him a *traitor* and a *trickster*, a *serpent*, a *snake*, and a *felon kite*. He compared the Governor General of Bengal's progress to *Benares* and *Oude*, to a *bigbwayman's* falling out to *Bagshot* and *Hounslow*, talked of his *wielding a bloody scyther* in one hand, and with the other *picking a pocket*, and asserted, that, instead of the *sword of Government*, he used the *assassin's dagger*, with much other ribaldry. The *urbanum*, the *elegans*, the *liberals*, which *Cicero* strongly recommends, and Mr. Sheridan perfectly understands, were sacrificed by him on this occasion to party rancour, at the very beginning of a prosecution. He copied too faithfully the modern *Cicero*. In the printed speech of Feb. 28, 1785, page 87. Mr. Burke says, *Benfield was a criminal, who long since ought to have fattened the region kites with his offal*. The expression is Shakespearean, adapted to the stage, to tragedy, to the character of Hamlet against the incestuous murderer of his father, but surely highly indecent in the senate against an absent man, lately a member, not under any accusation. It places *raillery in railing*, as Swift says, and is a savage Indian warfare, like throwing the tomahawk.

us with confusion. In order to extricate the House effectually from the labyrinth of error, in which we are wandering, I shall, as soon as the negative, has been given to the present motion, according to Parliamentary form, move *that this Report be read a second time on this day six months.*

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